

Appendix B  
Coded Comments



In the Matter of:

**GOVERNOR'S OFFICE OF STORM RECOVERY**

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*October 17, 2018*

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1 GOVERNOR'S OFFICE OF STORM RECOVERY

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3  
4 221 North Village Avenue  
5 Rockville Centre, New York 11570

6  
7 October 17, 2018

8 11:20 a.m.

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10 A P P E A R A N C E S

11  
12 Governor's Office of Storm Recovery

13 25 Beaver Street, 5th Floor

14 New York, New York 10004

15 BY: Matthew Accardi,

16 Monitoring and Compliance Officer

17  
18 Jacqueline Hayes, Hearing Reporter

## GOVERNOR'S OFFICE OF STORM RECOVERY

MR. ACCARDI: Good morning, everyone. We are on the record here today to receive comments on the environmental site assessment, which was prepared pursuant to the National Environmental Policy Act for the Hempstead Lake State Park project, which is being funded through the Housing and Urban Development Rebuild By Design Living With the Bay project.

On October 5, the Governor's Office of Storm Recovery published an environmental assessment document and issued a finding of no significant impact with respect to the proposed project. The Governor's Office of Storm Recovery will be receiving comments on that document and will be responding to comments received before 5:00 p.m. on October 22, which is next Monday.

GOSR rule will respond to all comments received in writing, and those written comments will be posted on GOSR's website at StormRecovery.NY.GOV/Environmental-Docs. The environmental assessment, as well as supporting documentation, is available for review on GOSR's website, the same website, StormRecovery.NY.GOV/Environmental-Docs --

FROM THE FLOOR: Can you repeat that?

MR. ACCARDI: It is stormrecovery, one word,

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dot NY dot GOV slash environmental dash docs, d-o-c-s.

Anyone who signs up to provide an oral comment today, we will call you up. There are request cards in the back. Please fill one out, and I will call you up. If you do not wish to make an oral comment on the record today, there are forms in the back that you may take with you to write comments. It provides the mailing address for you to submit those comments. Any additional comments may be submitted before 5:00 p.m., October 22, to NYSCDBG\_DR\_ER@NYSHCR.ORG.

FROM THE FLOOR: Can you repeat that, please?

MR. ACCARDI: Yes, the e-mail address for submitting comments via e-mail is NYSCDBG\_DR\_ER@NYSHCR.ORG.

FROM THE FLOOR: Is that on this form someplace?

MR. ACCARDI: That form provides the mailing address to mail the hard form.

FROM THE FLOOR: I'm sorry, could you do the e-mail address again?

MR. ACCARDI: The e-mail address was in the published notice. One more time, and we can also provide it at the end of the hearing rather than having

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this on the record. We can provide more details, if you need, at the end of the hearing. So last time for the e-mail address is NYSCDBG\_DR\_ER@NYSHCR.ORG.

The Hempstead Lake State Park project proposes to repair dams; to improve the existing water management infrastructure in the park; restore and construct wetlands and install floatable catchers and sediment basins to improve water quality; and to provide new educational and recreational amenities through trails and an environmental and resiliency center.

At this time, we are going to start hearing comments. If we have anyone from the elected official's office, we'd offer an invite for them to make their comments first. If not, we'll have the first commenter, Betty Belford, from the South Shore Audubon Society.

MS. BELFORD: Hi, I'm also speaking as a private resident. I live in West Hempstead, and this is the only place on the south shore where we can go, and walk, and feel like you're upstate because of the number of trees. This cutting down of trees is ridiculous. I'm also a birder sometimes, and this is a birding hotspot for endangered species, such as warblers, the great horned owl and others.

Also, I have heard that no environmental

Belford

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1 impact study has been conducted, and you certainly can't  
2 cut down trees and say that is good for the environment,  
3 thank you.

4  
5 MR. ACCARDI: The next comment will be from  
6 Jim Brown.

7 MR. BROWN: Hi, I'm Jim Brown. I'm  
8 representing South Shore Audubon Society. I'm one of  
9 the conservation co-chairs. I'm a former president of  
10 the chapter. We're a chapter of the National Audubon  
11 Society. We represent roughly 1,300 members on Long  
12 Island, mostly on the south shore of Long Island. And  
13 we have been studying these plans for, you know, a  
14 number of years. I remember initially, we came out  
15 when, I think, a Dutch group was picked to begin this  
16 and to do certain things along this basin and we came  
17 out, spoke with them, and it was amazing because these  
18 Dutch people came out and we were talking to them about  
19 what might be done on this river basin, and a bald eagle  
20 flew over and they were amazed. They had never seen one  
21 before. And, indeed, Hempstead Lake was one of the  
22 first places, if not the first, where they have been  
23 seen in Nassau County. So it's a very special spot for  
24 us. And after meeting with those Dutch engineers, we  
25 were happy to show them a bald eagle; they were really

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cont

Brown

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amazed.

Now Hempstead Lake State Park is an important birding area; it's classified such by the Audubon Society, and many people come from all over the country just to go to Hempstead Lake State Park. It's one of the best birding spots on Long Island. As I say, we have migratory species coming through, bald eagles, and we have nesting great horned owls who might potentially be disturbed during these projects.

We're going to be submitting detailed comments later. As I said, we have been working on this for quite a while. And I just wanted to say certain things, basically, from the heart of our chapter.

A few years ago, before this project was envisioned, we sort of partnered with Hempstead Lake State Park with I Love My Park Day. It's a very special park for us. It's sort of seen as our patch, where we go birding. And we have helped on cleanups, and it's always been a place that we love. So this environmental assessment that was released is not enough. There are certain parts of this project, felling of trees, widening of trails, you know, making a huge visitor center that we feel can have a severe environmental impact on bird and wildlife habitat. So we're asking

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1 very strongly that you do a complete environmental  
2 impact statement and study, so that we can know how the  
3 different parts of this project may have an impact.  
4 Don't rush this. This is very important to keep  
5 Hempstead Lake State Park in a somewhat pristine, lovely  
6 state. Thank you.

7  
8 MR. ACCARDI: Thank you. Next commenter, we  
9 have from Steven Rolston of the Sierra Club.

Rolston

10 MR. ROLSTON: Thank you. You mentioned the  
11 report was released October 5. I would ask  
12 Governor Cuomo to reconsider -- now that we have had  
13 just last week the United Nations put out an urgent  
14 report that said, "It is time to rethink the way we  
15 live." A prior governor, Governor Pataki, was very good  
16 about purchasing wild areas across New York State to  
17 save it. I would ask Governor Cuomo to rethink the way  
18 he's looking at the impact of such a project that he's  
19 backing right now for Hempstead Lake State Park.

20 Anyone who lives here in Nassau County knows  
21 that Nassau County is overdeveloped. We cannot afford  
22 to lose one more mature tree. Especially for a  
23 building. Certainly, there is an open lot nearby where  
24 that building can be erected without damaging any mature  
25 trees. It's easy to see for all of us, but now we have

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2 been given an urgent warning by an international body  
3 that said, "All the things we hoped were true, that we  
4 can fix this over time; we don't have time." So we  
5 don't have -- we can't afford the loss of any mature  
6 trees.

7 I would ask again that Governor Cuomo and  
8 his supporter, Todd Kaminsky, who is usually an  
9 environmental advocate -- I'm disappointed to learn that  
10 he is favoring this project. I would ask respectfully  
11 that he rethink this project in light of the United  
12 Nations Report. Thank you.

13 MR. ACCARDI: Thank you. Next up, we have  
14 Guy Jacob from the Nassau Hiking and Outdoor Club.

Jacob

15 MR. JACOB: Thank you for the opportunity to  
16 provide comments on the project. Nassau Hiking and  
17 Outdoor Club is a 500-member organization affiliated  
18 with the New York-New Jersey Trail Conference. Our  
19 members, their friends and family members, recreate in  
20 Hempstead Lake and care deeply about its future. We  
21 enjoy hiking, birding, cross country skiing, biking, and  
22 picnicking in the park.

23 The environmental assessment calls for the  
24 removal of about 2,500 trees, a loss of wetlands, and  
25 fragmentation caused by trails.

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It's difficult to understand how such a substantial loss of green space supports a no-significant impact finding, particularly when open space is already so inadequate in Nassau County.

The tree removal that would take place along the dam is particularly risky and alarming. The elimination of established trees from the dam wall could threaten the structural integrity of Long Island's only high-hazard dam.

According to a 1981 report by the U.S. Army Corps of Engineers, "Leaving roots to decompose could compromise integrity of the dam, and lead to catastrophic flooding downriver."

Consequently and ironically, funds intended to mitigate flooding could actually exacerbate it.

Moreover, such tree removal would include healthy strands of native oak and cherry trees and can take place in March, when Hempstead Lake State Park is a prime location for migratory birds and a breeding ground for great horned owls.

In Hempstead Lake State Park, GOSR acknowledges moderate to large impacts and construction where depth of water is less than three feet and dredging more than 100 cubic yards, and material from

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## GOVERNOR'S OFFICE OF STORM RECOVERY

wetlands or water bodies, and construction within, or adjoining, a fresh water or tidal wetland in creating turbidity in a water body, in affecting water quality of any water bodies within downstream of the site, in modification of existing drainage patterns, in changing water flows that contribute to flooding, and in repairing dams.

Regarding birds, the agency concedes a moderate to large impact in substantial interference on nesting, breeding, foraging habitats for the predominant species that occupy the project site.

According to Audubon's important bird study -- important bird area website, Hempstead Lake is one of the most important sites on Long Island for winter and waterfowl with buildups beginning in late August and peaking in the late fall, early winter.

Federal floodplains and wetland laws require that practical alternatives be considered in order to avoid adverse impacts.

In Appendix M of the Hempstead Lake Environmental Impact Assessment, GOSR considered only a proposal with significant alterations and a net loss of almost two acres of wetlands and no action alternative.

MR. ACCARDI: Thank you.

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MR. JACOB: To go on -- I will submit comments -- but in conclusion, I would say that we should be considering a net gain of trees, not a net loss of trees.

We should be considering the education center being relocated in another existing building somewhere else in the Mill River Watershed rather than in Hempstead Lake State Park.

MR. ACCARDI: That is your time, thank you. If you have it written, I would like to take it. Thank you.

The next speaker is Brian Weiner of the South Shore Audubon Society.

MR. WEINER: I'm going to pass. My statement duplicates Guy's statement.

MR. ACCARDI: Okay, next would be Rona Baruch.

MS. BARUCH: Hi, I'm just speaking as a resident of Nassau County. I came here hoping to learn more about the scope of this project. I actually hadn't heard about it until Facebook. But what struck me was the loss of the 2,500 trees, I just wanted to hear more about how that could help flood litigation. That just seems counterintuitive.

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Weiner

Baruch

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MR. ACCARDI: Thank you. John Kozianz.

Kozianz

MR. KOZIANZ: Hi, good morning. So I found out about this project last night on -- it was the website for Newsday within Rockville Centre, and just found out about it. I wanted to hear more about it. I was unaware that this was posted in, I guess, the advisory in Newsday a couple of weeks ago, or last week. We all, kind of, see that posted all the time, and it slipped me, but to see Newsday pick it up, I was happy to see that. I just wish that other than these citizens that are concerned, that our local politicians are here. I would love to here from my mayor, Mayor Murray, on this position with what's going on. Did they review this project? Was it brought to the Village's attention? Our state representative, Mr. Kaminsky, and also Nassau County.

We're here as citizens. I would really like to see our politicians step up. They work for us. We pay their salary, also the local government. I mean, we're all taxpayers and all these agencies work for us. So we also want to make sure this project, it goes through the proper channels, it's not forced down our throats. Everybody here is concerned about the environment; it means very much to us. So again, I

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would just like to know where our local politicians stand on this project and if we maybe can News12 to get their input to see where they stand, because I don't know at this point. Thank you.

Atkin

MR. ACCARDI: Next commenter is Pat Atkin.

MS. ATKIN: Good morning, my name is Pat Atkin. I'm here representing the Queens' County Bird Club. I don't really have long, prepared remarks, but I do want to echo the concerns for the bird populations that utilize Hempstead Lake State Park.

It is a significant stop for migratory birds during the spring season. And loss of that habitat would have a difficult impact on many of these birds. Many of which are already endangered and struggling.

The other issue that I want to draw attention to, is the removal of such a vast amount of trees. I would like to know if there has been a tree survey done. Are you removing invasive species? Are you looking for the quality of the trees? Are you going to be considering any kind of significant long -- old-growth forests -- I think that is an important thing to assess when you're doing this removal. I do recognize that you need to address coastal resiliency issues, and there is a corridor plan for the Mill River

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## GOVERNOR'S OFFICE OF STORM RECOVERY

1 watershed; it is important to protect our water quality,  
2 and to assess the strength of the dam because costal  
3 resiliency is, of course, a significant issue. But, I  
4 don't think that that should be the overriding issue  
5 here.  
6

7 Everything else should be considered, the  
8 impacts on the birds, and the health of the trees, and  
9 the overall health of the environment. So I thank you.

10 MR. ACCARDI: Thank you. James Caracciolo.

11 MR. CARACCILO: My name is James Caracciolo  
12 Caracciolo, 750 Guy Lombardo Avenue, Freeport, New York.  
13 I'm a ISA-certified arborist and public advocate for the  
14 protection of live, healthy trees. My question to the  
15 State and the governor is, what he is going to do to  
16 replace the loss of tree canopy where we live here in  
17 Nassau County. We are suburbia. Suburbia was  
18 established after World War II by William Levitt. He  
19 took the potato fields that we had in Levittown and he  
20 created suburbia. The definition of suburbia was the  
21 planting of the trees. He was the first one to  
22 establish planting of trees in development -- developed  
23 areas. He was very much an advocate for preservation of  
24 trees. And he even went back to the tree plantings to  
25 make sure that they were all alive.

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## GOVERNOR'S OFFICE OF STORM RECOVERY

1 So I would like to know what the State has  
2 in store. Do they have money set aside for the  
3 replacement of every tree that they remove? I don't  
4 know if the State has an ordinance in reference to what  
5 the value of a live, healthy tree is in reference to  
6 removing it and to replacing it, but I know that the New  
7 York City Parks Department has in their tree ordinance a  
8 replacement formula that calls for every inch of the  
9 diameter at breast height for a tree, every inch of one  
10 tree be replaced.  
11

12 So in reference to the volume of trees that  
13 you are removing, and in reference to the disturbing of  
14 the habitat of the area, I would like to know what  
15 moneys are being allocated, put aside, to replace the  
16 tree canopy that the State is removing in this project.  
17 Thank you.

18 MR. ACCARDI: Do we have anyone else that  
19 would like to make a comment? You can come right up.

20 MS. DELPRETE: My name is Joanne Delprete;  
21 I'm here as a citizen, part of South Shore Audubon,  
22 Nassau Hiking Club. I think listening to everyone I  
23 think -- since we're all Americans, and we operate under  
24 democratic government, it's obvious that this needs to  
25 be delayed. We need a full impact study. 2,500-plus

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Delprete

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## GOVERNOR'S OFFICE OF STORM RECOVERY

trees is an astronomical amount just to eliminate.

There is other issues about this education center in the middle, you know, losing almost two acres to build this, when we can use -- refurbish an existing building. And also, there is talk about making that an emergency response center in between. And also, a kayak launch for handicapped people. This is not -- you know, this money, I think it's just a grab, and I think it needs to be delayed, and I think we need a full environmental impact, and the local government here needs to be on board with this, and also our elected politicians.

Thank you.

MR. ACCARDI: Thank you. Is there anyone else who would like to make additional comments on the record?

So now it's ten to 12:00. We'll come off the record for a while until someone else would like to make a comment or if someone new comes. Thank you.

(Off the record.)

MR. ACCARDI: The time is now 1:00 p.m. There are no additional guests here or comments at this time, and this concludes the hearing.

(Whereupon, the hearing was concluded at 1:01 p.m.)

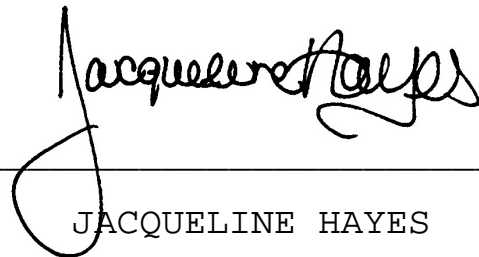
C E R T I F I C A T E

I, JACQUELINE HAYES, a Notary Public within and  
for the State of New York, do hereby certify:

THAT such deposition is a true record of the  
testimony given by such witnesses.

I further certify that I am not related to any of  
the parties to this action by blood or marriage; and  
that I am in no way interested in the outcome of this  
matter.

IN WITNESS WHEREOF, I have hereunto set my hand  
this 17th of October, 2018.



A handwritten signature in black ink, appearing to read 'Jacqueline Hayes', is written over a horizontal line. The signature is stylized with a large initial 'J'.

JACQUELINE HAYES

Errata Sheet

NAME OF CASE: GOVERNOR'S OFFICE OF STORM RECOVERY

DATE OF DEPOSITION: 10/17/2018

NAME OF WITNESS:

Reason Codes:

1. To clarify the record.

2. To conform to the facts.

3. To correct transcription errors.

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In the Matter of:

**GOVERNOR'S OFFICE OF STORM RECOVERY**

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*October 17, 2018*

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1 GOVERNOR'S OFFICE OF STORM RECOVERY

2 -----X

3  
4 56 Eldert Street

5 Lynbrook, New York 11563

6  
7  
8 October 17, 2018

9 6:50 p.m.

10  
11 A P P E A R A N C E S

12  
13 Governor's Office of Storm Recovery

14 25 Beaver Street, 5th Floor

15 New York, New York 10004

16 BY: Matthew Accardi,

17 Monitoring and Compliance Officer

18  
19 Jacqueline Hayes, Hearing Reporter

## GOVERNOR'S OFFICE OF STORM RECOVERY

MR. ACCARDI: Good evening. My name is Matt Accardi; and I am assistant general counsel and certifying environmental officer for the New York State Governor's Office of Storm Recovery, which is abbreviated as GOSR, G-O-S-R. Thank you for attending this evening's public hearing.

The purpose of today's hearing is to receive public comments on the Hempstead Lake State Park project proposed in the Town of Hempstead, New York, with respect to the following requirements:

First, public comments will be received on an environmental assessment of the project that has been published pursuant to the National Environmental Policy Act abbreviated as NEPA, N-E-P-A.

Second, comments will be received pursuant to 24 CFR Part 55, which seeks public feedback when projects funded by the U.S. Department of Housing and Urban Development are located in or adjacent to wetlands.

GOSR will not respond to any comments or questions on the project during tonight's hearing. Comments will be considered in the preparation of the environmental assessment.

Prior to opening tonight's public comments,

## GOVERNOR'S OFFICE OF STORM RECOVERY

I will make a brief presentation on the environmental review process and 24 CFR Part 55. I will then provide a brief overview of the project and set forth tonight's ground rules. I will now discuss the process.

The State of New York has completed and made available for public review and comment an environmental assessment that describes the Hempstead Lake State Park project, the project's purpose and need, the existing environmental conditions in and around the park, and analyzes potential impacts associated with the proposed project.

The State of New York is the grantee of community development, Block Grant Disaster Recovery Funds, appropriated by the Disaster Relief Appropriations Act of 2013, Public Law 113-2.

Funds related to disaster relief, long-term recovery restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Stafford Disaster Relief and Emergency Assistance Act of 1974.

GOSR implements the State's obligations under NEPA through newly authorized certifying environmental officers.

## GOVERNOR'S OFFICE OF STORM RECOVERY

GOSR is an office within the New York State Homes and Community Renewal's Housing Trust Fund Corporation, which is a public benefit corporation.

After the close of the public comment period, which is Monday, October 22, GOSR will review all comments and provide written responses to all comments -- which will be published on GOSR's website. GOSR will then submit to HUD, a request for release of funds for the proposed project at Hempstead Lake State Park.

Pursuant to 24 CFR Part 55, GOSR is providing notice that it is conducting an evaluation of the proposed project as required by Executive Order 11990, Protection of Wetlands. There are three primary purposes of this hearing related to 24 CFR Part 55.

First, to provide the public an opportunity to express their concerns and share information about the proposed activities located in the wetlands.

Second, adequate public notice is an important public educational tool.

Third, as a matter of fairness, when the government determines it will participate in actions taking place in wetlands, it must inform those who may be put at a greater or continued risk.

## GOVERNOR'S OFFICE OF STORM RECOVERY

In total, the work associated with the proposed project would remove 2.8 centimeters of wetlands and open water, and create 1.15 acres of wetlands and open water from existing opens for a net loss of 1.72 acres.

The environmental assessment for the Hempstead Lake State Park project is available on GOSR's website at [WWW.StormRecovery.NY.GOV/Environmental-Docs](http://WWW.StormRecovery.NY.GOV/Environmental-Docs).

GOSR proposes to provide 35 million dollars in CDBGDR funding to implement the Hempstead Lake State Park project. The proposed activity would occur on public lands managed by the New York State Office of Parks, Recreation and Historic Preservation. The proposed activity consists of four components as follows:

The dams, gatehouses, and bridges component would restore the operation of the dams and associated water flow control infrastructure within the park to improve storm water management, including dam improvements, to meet current regulatory standards, gatehouse repairs, and the installation of pedestrian bridges over the park water basin.

The northeast and northwest ponds component would involve the installation of a floatable catchers

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and sediment basins at pond inlets, as well as creation of storm water filtering wetlands and draining the ponds to remove debris. It will improve water quality and increase impoundment capacity.

The education center and resiliency center component would comprise construction of a new two-story, approximately, 8,000-square-foot building west of Lakeside Drive.

The focus of the education and resiliency center would be on environmental stewardship and climate change adaptation resiliency. The greenways, gateways, and waterfront access component would comprise of expansion and improvement to the existing path system within the park, including connection points to the surrounding neighborhoods as well as installation of observation areas, piers, kayak launches along Hempstead Lake.

Combined, these components would address the project's purpose and need, which is to improve storm water management, enhance natural ecosystems, provide connectivity amongst diverse populations, enhance safety, and promote education programs at the park.

We will now open the floor for public comment. A speaker must sign in at the back table. We

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will call speakers up. Each speaker will have three minutes. After providing your comment, you must return to the audience. Again, GOSR will not respond to any of the comments or questions on the project during tonight's hearing. GOSR will review all comments and provide written responses to all comments within the published -- and it will be published on GOSR's website prior to submitting the request for release of funds to HUD. Additional comments can be submitted in writing to GOSR at Governor's Office of Storm Recovery, 25 Beaver Street, 5th Floor, New York, New York 10004, or by e-mail at NYSCDEG\_DR\_ER@NYSHCR.ORG. All written comments received before 5:00 p.m. on Monday, October 22 will be considered.

So the first comment will be from  
Joe Forgione.

Forgione

MR. FORGIONE: Good evening, my name is Joe Forgione; I'm a co-chair of the Citizens Advisory Committee. The CAC was formed when this award came about to advice the Governor's Office of Storm Recovery on how the public feels about different projects.

Unfortunately, the particular project that we're commenting on today, we have kind of been out of the loop on.

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As a committee, we have had various meetings over the years, but as this plan has gone from about 60-percent design phase to 100-percent design phase, we haven't had very many meetings. We haven't had much of an opportunity to comment, although we have tried. The rest of the project is at less than 20-percent design phase. So for a project that is worth \$125 million and spans such a great area, we are surprised to have been cut out on the planning for this project.

The Hempstead Lake project happened to be approved and planned before we were even formed as a committee. It accounts for about one third of the total awards, which is a lot of money.

I, personally, am a resident of East Rockaway, and my house was damaged in the storm, so representing my community and a group on Facebook called "The 11518," I'd just like to say that we are constantly advocating for more money that directly affects storm water management and tidal inundation.

So projects in the park that involve things like the environmental center, pedestrian pathways, and things of that nature, we're a little bit more hesitant about, and we would like as much information as possible.

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Two weeks ago, we learned about this environmental assessment, and the committee immediately went back and discussed what we had originally asked for was -- which was an environmental impact study. That is a more in-depth study, and that is something we would still like to see. We started a survey, and we have, in the past week, received about 244 signatures on that survey, and that's approximately one for every ten trees that are planned to be removed.

Our biggest concern has been the cumulative benefit of the work that has been going on in the park. As I mentioned, this isn't going to do much for storm water management. We are concerned that dam will not help with any storage capacity, or any surge water. And while it may be in need of repair, the way in which it will be repaired worries us. Dam safety and integrity is something that my other co-chair will discuss with you. But we have a wide array of people on our CAC, from environmental people to community people, who have addressed these concerns, and we would like a response.

We are interested in designs that are prototypical and catalytic, which is what the original winning rebuild-by-design award stressed, and we don't feel that some of this is. I'll stop right there and

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I'll leave it to Dave to talk a little bit more in depth. Thank you.

MR. ACCARDI: The next speaker is David Stern.

Stern

MR. STERN: Good evening. I'm David Stern; I'm co-chairman with Joe on the Living With the Bay Community Advisory Committee. I'm an associate professor at Nassau Community College. Prior to becoming an academic, I spent many years as a senior environmental scientist with the New York City Department of Environmental Protection within -- focused within the upstate water supply. I hold a doctorate in civil engineering with a concentration in water resources engineering. My dissertation involved developing and testing new mathematical models that describes how water flows through wetlands.

First, I would like to raise similar objections that Joe has raised. This environmental review process has been rushed; that GOSR promised the CAC that there would be additional meetings to discuss this project before it reached its final stage.

Evidence that it's been rushed is the use of the minimal time requirements of this process right here. And basically, this rush has resulted in

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conclusions that are not based on verifiable data that can be independently reviewed.

The environmental review also represents a segmentation of the overall Living with the Bay project. This is very evident at the truncation of the hydrology and hydraulic assessment report, which ends at Sunrise Highway, to exclude tidal-influenced portion of Mill River. The exclusion of this portion, ironically, is also the portion most vulnerable to flooding, as demonstrated by Superstorm Sandy.

The negative declaration determination is arbitrary, since it is based on a sketchy foundation. Dam safety, many of the purported environmental benefits of this proposal are claimed to be based on the hydrology and hydraulic assessment report.

This report is highly questionable. A common concept in water resource modeling -- and modeling in general -- is garbage in, garbage out.

The modeling presented in the hydrology and hydraulic assessment report is a perfect example of this concept of garbage in, garbage out.

The only real hydraulic data available for the entire Mill River is a long-closed monitoring station at Pine Creek. The hydrology and hydraulic

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1 modeling was poorly calibrated with over 30 percent  
2 error -- this is in their report -- and the model was  
3 never verified -- models need to be verified in order to  
4 be used -- due to the lack of real hydraulic data.

5 Since the environmental assessment is so heavily based  
6 on this assessment, the final environmental review  
7 action should be postponed until appropriate data can be  
8 collected and an adequate assessment can be completed.

9 This project also alienates parkland. The  
10 northern pines are basically being converted into an  
11 industrial facility, and no longer being used as  
12 parkland. This is a rare, freshwater mudflat area, and  
13 the GOSR needs to get federal approval since this is  
14 being a conversion of parkland.

15 Unfortunately, I'm being cut off. Thank  
16 you.

17 MR. ACCARDI: The next speaker is  
18 David Denenberg.

Denenberg

19 MR. DENENBERG: Good evening, my name is  
20 Dave Denenberg; I'm a co-director of Long Island Clean,  
21 Air, Water, and Soil. We are a not-for-profit  
22 organization that is dedicated to the protection of Long  
23 Island's water resources, as well as clean water, soil,  
24 and air. The cause advocates constantly for sustainable  
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and environmentally sound measures to mitigate the effects of future storms.

Personally, I'm a chemical engineer, and I have been an engineer for almost 30 years. I have also worked in the fields of environmental law, and I was a litigator and chairman or ranking member of the Nassau County Legislatores Planning, Development and Environment Committee for 15 years.

Being there when the CACs were first formed and the different groups were formed and personally attending every single one of the meetings that were in Freeport, Merrick, Bellmore, Wantagh, Seaford, and as well as some the Rockaway's and concerns over -- okay, I'll speak fast then -- concerns over sustainability, it seems like we lost all of the participation, we lost all of the community feedback, and it still took a long time, but it still seems rushed. So repairing, strengthening, Hempstead Lake dam may -- may protect residents, homes, and businesses from flooding due to increasing occurrences of extreme weather.

What we're concerned about, the Living with the Bays project, from several standpoints, not least of which is removing 2,500 trees. I mean, mature trees, the benefit to the environment is so clear, whether it's

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removing nitrogen and nutrients from the soil before it could get into the groundwater or leaks through the groundwater to the bays to the aquifer. I don't see any consideration for the loss of those trees, whether it's for storm mitigation, or particularly, for aquifer, bay, and groundwater protection.

So let me close that, before a project of this magnitude is undertaken, one would think that a full environmental impact study would have been conducted. Such study should investigate how removing mature trees from the wall of a 100-plus-year-old dam will not only affect the structural integrity of that dam, but what would the effect be on the birds, fish, wildlife, the local ecology, and most of all, the very groundwater and waterways that we're trying to protect, live with, and protect ourselves from future storms? But by the same token, we know that our water resources is not only the water we drink, but it's our local commerce. We are Long Island, and this is too fast, and I'm sure you're very happy -- let me close. I think -- I got your stop, okay. Stop for a second. You have an empty audience. If people go over by one or two minutes, the only thing that will happen is that you'll have to work full for whatever you're getting paid

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1  
2 for -- so how about listening to people. I'm sorry for  
3 getting aggravated, but you're showing me that sign.  
4 What's going to happen if I go 30 seconds over? I bet  
5 everyone sitting here and standing in the back who works  
6 for the governor and State are happy that the attendance  
7 isn't as good as it should be, but we should get the  
8 word out because you don't want to.

9 Okay, so the bottom line is, I don't  
10 understand how this environmental assessment occurred.  
11 I don't see how removing 2,500 trees from Hempstead Lake  
12 Park is environmentally sound, and the bottom line is,  
13 that the effect or any protection from storm surges or  
14 from climate change seems to be more than negated by a  
15 lack of true assessment of this project. This needs a  
16 full environmental impact and full, full reach out to  
17 the community, because this room should be packed.  
18 Thank you.

19 MR. ACCARDI: The next speaker is Joseph  
20 Landesberg. Landesberg

21 MR. LANDESBURG: I'm Joseph Landesberg. I'm  
22 just a member of the Citizen's Advisory Committee and a  
23 person who lives in Rockville Centre and who uses  
24 Hempstead Lake State Park quite frequently.

25 I joined the CAC because I thought it was

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2 useful, in terms of what was originally proposed, and  
3 that was abatement of another Sandy disaster. I think  
4 that the project that is going on in Hempstead Lake  
5 State Park is far removed from that, and I think it's  
6 all window dressing, as far as the GOSR is concerned.

7 One, where does putting kayak access save  
8 from another Sandy? Where does improving the pathways  
9 save from another Sandy? Where does building a  
10 three-and-a-half-million-dollar building save from  
11 another Sandy? I don't see where that expenditure has  
12 been warranted. The parks may need it. I use the  
13 parks, I can see the advantage of that, but I think that  
14 money, which was intended initially, has somehow been  
15 lost in terms of concept, and in terms of use. Thank  
16 you.

17 MR. ACCARDI: Unfortunately, that is  
18 everyone who signed up for speaking, so we're going to  
19 come off the record for a few minutes, and we'll assess  
20 if additional people come, or if those who have already  
21 spoken would like to make additional comments. Thanks.

22 (Whereupon, an off-the-record discussion was  
23 held.)

24 MR. ACCARDI: It's 7:25, we're going to go  
25 back on the record.

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We have three more speakers. The first is  
Art Mattson. Thank you. Mattson

MR. MATTSON: I am the village historian for  
the Village of Lynbrook, and I'm also a member of the  
CAC. I think one of the frustrations that I've had with  
the CAC and as a resident and other residents have had,  
is that a lot of the order of events here has been  
backwards.

When I first joined the advisory committee  
on this project, I thought we would focus on the people  
most affected, East Rockaway, Island Park, et. cetera,  
the downstream end where the storm most affected. And  
yet, we -- what was put on the table was a project --  
there is a lot I like about the Hempstead Lake State  
project, I'll tell you. I'm in that park every weekend,  
just about. There's a lot I like, but I'm just puzzled  
why that became the first thing that was slammed on the  
table, and we're told that this is the first and it's  
already virtually approved and that we're going to go  
with this. So I have a lot of sympathy with those that  
are saying the environment studies should continue and  
be expanded for this greater level, because maybe that  
would get things back in the order that they should have  
been in the first case.

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I'm also struck by the lack of connectivity between the various projects. I've been an advocate for a trail that is kind of a greenway, blueway that would go from the East Rockaway boat basin all the way up to Hempstead Lake and perhaps further north. This project doesn't even connect to anything like that. There's no linkage that I have seen, and maybe you can tell me about it, that will show how it would connect to any kind of a trail that would connect to -- let's say the fish ladder that is going to be at Smith Pond and where historical signs would be.

The Mill River is literally Long Island's most historic river. There are more things that have happened on that river than any other river on the island. Just amazing, amazing things -- including as many as six or seven mills. That is why it's got the name "Mill River." But this project doesn't connect with that, I don't think, in any particular way.

So that is really all I have to say. Thank you.

Kemnitzer

MR. ACCARDI: Next, we have Joan Kemnitzer.

MS. KEMNITZER: Hello, everybody. If I hadn't read Newsday today, I wouldn't have even known about this meeting. So there is something lacking

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there, the information going out to the public.

I live in Wantagh. I moved there because it had trees. We have lost a lot of trees in Wantagh in the past 30 years, for various reasons. So I'm a tree person. But hearing everything tonight, I feel a project of this magnitude definitely needs a full environmental impact statement. What is the rush? I know there'll be another storm coming, but we need to do this in a scientific, proper way.

I agree with all the speakers so far. They all made important points. They're professionals, they're environmentalists, they're scientists, they're engineers. They know what is going on.

So 2,555 trees would impact tremendously the wildlife that is in the park. Much of which is on the endangered species list, including 27 species of birds -- long-eared bats and bald eagles. Bald eagles have made a comeback on Long Island, and so now we want to take away part of their environment. It doesn't make sense.

I'm wondering why the Army Corps of Engineers, when they studied this project, spoke against the tree removal. That's not explained.

Trees absorb water, they fight pollution,

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they're 50,000 years old, and they are worthy of protection. Thank you.

Stern

MR. ACCARDI: Next up is David Stern.

MR. STERN: I guess the one part I didn't get to when I came up before was, was the inadequate evaluation of all alternatives and mitigation measures that would be provided with a full environmental impact statement. And, I guess, the best example of this is instead of destroying a rare, natural wetland, a fresh water mudflap, which is acknowledged by the State of being extremely rare, and this is the most natural part of the entire Hempstead Lake Park -- is the northern part of it, instead of destroying that, and again, a constructed wetland is an industrial facility. It is not a wetland -- it's not a natural wetland. You're not replacing one for one. You're replacing a natural system with a manmade system -- and my doctorate is in that area. So I'm very familiar with it. There is going to be fill put in. There is going to be ripwrap put in. It's an industrial facility. This is why I think this is an alienation of parkland and requires a federal approval, since the park has gotten federal dollars from the water and land -- land and water conservation -- The Federal Land Conservation Fund.

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But an alternative, you don't have to do this. You can go upstream. Right next to Hempstead High School, where there is another section, because this project was -- also is violating state law by segmenting out of the entire project. The more northern section, there is a proposal -- part of the Living with the Bay proposal -- to basically reinforce the stream by Hempstead High School. So instead of doing that, construct the wetlands there. There would be a synergy with the high school students, they could monitor it. They could, maybe, provide some of the cleanups.

One the big questions I have is, the reason why the dam is filled with trees is because the park system did not maintain that system when they acquired it from the New York City Water Supply. So my question is, where is the funding coming from? The park is going to do all this extra maintenance now. So it's quite clear -- unless Governor Cuomo is planning to increase the budget of this state park -- the maintenance will not be done. We're going to see the same thing happen in the next 50 years. So I really question how this is going to pan out in the long term. And there are alternatives, and that was not discussed in any of the documents. That is the problem with doing a NEPA Act,

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you don't get to really explore the mitigation measures.

Thank you.

Forgione

MR. ACCARDI: Joe Forgione.

MR. FORGIONE: I just wanted to address two additional things. One that David -- in all the stuff he needed to discuss, might be forgetting -- the CAC has received responses by e-mail, and the newspapers have reported on responses from GOSR for the reason for removing trees from the dam.

Trees aren't allowed to be on a dam because they could ruin the integrity of the dam. And that is a maintenance issue. I think their response is a little bit of a misquote of old language. The Army Corps of Engineers also feels, as David has expressed, that removing mature trees from a dam could actually cause more harm. And that is a serious issue that we think needs to be addressed.

So instead of repeating language about how dams cannot have trees on them and that they need to be maintained and cleared of those things, we should also take a look at Army Corps studies that say not to remove those trees. So that is an on-the-record thing that I would like to add.

And then an off-the-record thing that I just

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2 didn't get to in my speech, the CAC has struggled, we  
3 are a group of 20 people, to come to a consensus as  
4 everyone could imagine. We all come from different  
5 walks of life. We all live in different parts of the  
6 river. And that's kind of been held against us, I feel,  
7 by the governor's office. And it's been pointed out in  
8 articles and in e-mail responses, and we have even had  
9 members resign over it. It is not important that we  
10 come to a consensus on anything, but it is important  
11 that we be a part of the process, and that is something  
12 that we have been fighting for from day one. And we're  
13 worried because of what has happened with this plan  
14 reaching 100-percent-design phase, that is it's going to  
15 happen with the rest of the project. Thanks.

16 MR. ACCARDI: Does anybody else have a  
17 comment that they would like to make on the record right  
18 now?

19 We'll go off the record for like ten minutes  
20 and check to see if anyone else has anything else they  
21 would like to say. It's 7:34, so we'll go back on at  
22 7:45.

23 (Whereupon, an off-the-record discussion was  
24 held at this time.)

25 MR. ACCARDI: We're going to come back on

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1 the record. So the time is 7:47, we have one commenter  
2 signed up. So we're going to hear that comment. If  
3 anyone else, in the meantime, would like to make a  
4 comment, please sign the request card in the back. The  
5 next commenter is Adriana Capella [phonetic]. Thank  
6 you.  
7

Capella

8 MS. CAPELLA: Hi, name is Adi. I just found  
9 out about all of this yesterday, so I'm struggling to  
10 gather my facts. I'm not here as part of any  
11 organization. I live in East Rockaway, so I came to  
12 listen.

13 I have a background in wildlife and  
14 environmental science, and I have worked for the last  
15 three years doing a reforestation project on Long  
16 Island, and I also help to write a grant for storm-surge  
17 areas that would add trees to places that are high storm  
18 surge because of the water intake, and all the other  
19 environmental benefits that come from that. I also  
20 work, currently, on a project to help northern  
21 long-eared bats, which I know you mentioned when you  
22 spoke is a threatened species that does do well in  
23 highly forested areas.

24 I, in sitting here, saw that the -- or  
25 heard -- that the -- one of the goals of the project was

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2 to preserve wetlands, but I think if I got the numbers  
3 correctly, 1.72 acres of wetland will be lost at the  
4 completion of this project, so I'm not really sure where  
5 the actual wetland protection is if we're losing  
6 wetlands.

7 The other thing too is, any time you're  
8 doing any sort of environmental work, the responsible  
9 thing to do is do an environment impact study, because  
10 it does help to have transparency between the  
11 organization doing the work and the people who are the  
12 constituents of the places that you are working in.

13 So I'm just really working on getting more  
14 information about this. I would be happy to talk  
15 to anyone who spoke this evening, and perhaps get more  
16 involved in this. So that's all I have to say. Thank  
17 you.

18 MR. ACCARDI: Is there anyone else that  
19 would like to make a comment? If not, we'll come off  
20 record for a few minutes and we'll recheck with the  
21 crowd to see if there are any more comments. So it's  
22 ten to 8:00, and we'll come off the record. Thanks.

23 (Whereupon, an off-the-record discussion was  
24 held.)

25 MR. ACCARDI: It's 8:00. We're going to

## GOVERNOR'S OFFICE OF STORM RECOVERY

1  
2 come back on the record to check if anyone else would  
3 like to make a comment on the record. I don't have any  
4 new request cards, but if anyone would like to make a  
5 comment now, it's 8:00, but otherwise, we will go off  
6 the record until a new participant arrives or someone  
7 else wants to make a comment.

8 It's now 8:01, and we'll come off the  
9 record.

10 (Whereupon, an off-the-record discussion was  
11 held.)

12 MR. ACCARDI: It's 8:05 and we have a person  
13 that would like to make a comment on the record. Our  
14 next commenter is John Boyle. Boyle

15 MR. BOYLE: Thank you very much for this  
16 opportunity and for your being here because there are a  
17 lot of people who aren't here right now, and you're not  
18 one of them; so that is good.

19 And -- actually, I know very little of this.  
20 I just heard about this this afternoon on the Channel 12  
21 news, and it was one of those rare moments where the  
22 reporter on Channel 12 news seemed as concerned as the  
23 person she was reporting about the issue. So she  
24 inspired me to be here right now. And I had a vision of  
25 driving down Peninsula Boulevard, towards Garden City

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1 from Rockville Centre, and I saw that park there. And I  
2 thought -- I've always thought of that park as an oasis  
3 -- a visual oasis of the spirit. When I go by it, I  
4 just kind of thrive on the momentary time, out-of-mind  
5 experience that I, as a driver, have in that stretch.  
6 And we all kind of know that stretch. All of a sudden,  
7 the city roads, or the lighted -- the roads with lights  
8 and stop signs, all of the sudden becomes open highway  
9 for a few moments, and it's wonderful. And you can get  
10 up to 50 or 60 miles an hour. And you look over at that  
11 park, and, by golly and it is just so beautiful to have  
12 that experience.

14 And right now, I'm recalling years ago,  
15 there was somebody who came into Garden City, and I  
16 happened to be there, and I just got into a conversation  
17 with them, and they were from Russia. Maybe they were a  
18 spy, I don't know. This was you ten or 15 years ago,  
19 and I brought them to that park, and I had never been to  
20 that park -- except for when I was passing by on the  
21 road -- on the highway, as I was just talking about. I  
22 showed her that park, and I said, "This place is  
23 lovely." And I always been afraid of the park because  
24 -- I don't know. You know, I didn't know how safe the  
25 park was and, you know, it's -- there is -- you know

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1  
2 Garden City is rich and Hempstead is not so rich, and  
3 all that kind of stuff. But the park itself, you  
4 know -- and I showed it off to this woman from Russia.  
5 And she's probably back in Russia right now, and she has  
6 some pictures of it and everything. And this was her  
7 experience of Long Island. This was something I was  
8 proud to show off to her.

9 And what happened -- I want to tie this in  
10 with what happened the other day. In Garden City, there  
11 is a place called St. Paul's, 48 acres, and you all know  
12 it. It's a place that is very active with soccer  
13 activity. People come there to play soccer from all  
14 over the place. And there were these two lovely,  
15 beautiful trees. They were pine trees, and I happen to  
16 love pine trees, and they were just along the periphery  
17 of it. And you could go and walk around the outside of  
18 this park, and you could look over and see St. Paul's,  
19 and there was just this feeling, an absolutely beautiful  
20 feeling. And I was there the other day about a week and  
21 a half ago, and the trees were gone. And so these 80-  
22 or 100-year-old growths, beautiful things -- it would  
23 take hundreds of years to replace these things that are  
24 gone.

25 So I understand the need for dams and this

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1 kind of thing and how flooding is an issue now more so  
2 than ever, but I just -- I plead with whomever it is  
3 just to abbreviate the work to what is absolutely  
4 necessary. To do whatever they're going to do and just  
5 leave as many of these trees, or leave the whole 2,500  
6 there. So thank you very much.

8 MR. ACCARDI: Thank you. Do we have any  
9 other comments at this time? It is 8:10, we'll come off  
10 the record for now, thanks.

11 (Whereupon, an off-the-record discussion was  
12 held.)

13 MR. ACCARDI: Okay the time is 8:22. Would  
14 anyone else like to make a final comment on the record?  
15 If not, then we'll come to a close.

16 So this will conclude the public hearing.  
17 The time is 8:23, and we'll come off the record. Thank  
18 you all for attending.

19 (Whereupon, the hearing concluded at  
20 8:23 p.m.)

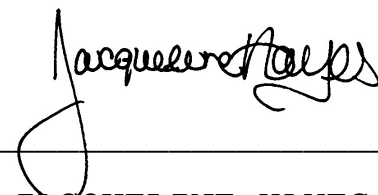
C E R T I F I C A T E

I, JACQUELINE HAYES, a Notary Public within and  
for the State of New York, do hereby certify:

THAT such deposition is a true record of the  
testimony given by such witnesses.

I further certify that I am not related to any of  
the parties to this action by blood or marriage; and  
that I am in no way interested in the outcome of this  
matter.

IN WITNESS WHEREOF, I have hereunto set my hand  
this 17th of October, 2018.

  
\_\_\_\_\_  
JACQUELINE HAYES

Errata Sheet

NAME OF CASE: GOVERNOR'S OFFICE OF STORM RECOVERY

DATE OF DEPOSITION: 10/17/2018

NAME OF WITNESS:

Reason Codes:

1. To clarify the record.

2. To conform to the facts.

3. To correct transcription errors.

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<b>water</b> 5:4,5,19,20, 23 6:3,4,21 8:20 9:14,15 10:13,14, 17 11:18 12:22, 24 14:18,19 19:25 20:11,24 21:16 24:18				
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10 3:6,13 4:2  
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21:16

# COMMENT FORM

## Hempstead Lake State Park

### Public Hearing on the Environmental Assessment

October 17, 2018

Please use this comment form to let us know your thoughts.  
These comments will become part of the official record.

Name (required): Leonor M. Abraido-Fandino  
Organization/Affiliation: South Shore Audubon Society  
Street Address: 84 3RD Street, Apt. 2  
City: Garden City Park State: NY Zip Code: 11040-4412  
Email: LABRAIDO@YAHOO.COM

Comments: I am opposed to the proposed cutting of 2,500  
trees in Hempstead Lake State Park. This park is one of  
two Important Bird Areas (IBA) on Long Island. It provides  
habitat for many resident birds as well as migrants plus other  
animals. It is a welcome sanctuary for people who enjoy connecting with nature.  
Removing 2,500 trees would destabilize the forest area. As  
"The Secret Lives of Trees" explains, intact undisturbed forests are  
better able to withstand hurricanes and other natural disasters than  
fragmented forests.

Please leave this form with us today or submit any time during the comment period, which ends on  
**October 22, 2018**, to the contact noted below:

Matt Accardi  
Bureau of Environmental Review and Assessment  
Assistant General Counsel  
New York State Governor's Office of Storm Recovery  
25 Beaver Street, 5<sup>th</sup> Floor  
New York, NY 10004

Additional comments may be recorded on the back of this page (or you may attach additional materials).



Governor's Office of  
Storm Recovery

Before proceeding with any tree removal or other habitat destruction, I urge you to do a full and complete environmental ~~ass~~ impact assessment with organizations such as the Army Corps of Engineers. I suspect such a study will find far more harm than good in your proposal to remove 2,500 trees from Hempstead Lake State Park.

In fact, various speakers at tonight's public hearing in Lynbrook, NY commented on the rushed and incomplete study that has been done. Its conclusions are not trustworthy as a result. It is your obligation to undertake a complete, scientifically based environmental impact study with experts in the field before proceeding.

It takes hundreds of years to create a vibrant, healthy ecosystem, but only a few days to destroy it. Don't let this happen to one of Long Island's treasures.

Thank you for your consideration to these matters.

Sincerely

Leon M. Abramo-Jardino

# Removal of 2,500 trees in Hempstead Lake Park

**Bernhart**

Anne bernhart <abernhar@optonline.net>

Mon 10/29/2018 7:00 PM

To: nyshcr.sm.nyscdbg.dr.er <nyscdbg\_dr\_er@nyshcr.org>;

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

To whom it may concern,

As a resident of Rockville Centre for the last 22 years , my family and I live in the proximity of Hempstead Lake Park. We have driven past the park innumerable times, and my daughters have played hundreds of sporting events at the fields. I am deeply concerned by and opposed to the state's plan to take down 2,500 trees in the park. I know that within the last 10 years, numerous trees were cut down in the north end of the park. The park not only provides natural beauty to the area, but we as a community are also concerned about the wildlife that resides in the park. In addition, I have seen the Southwestern section of Nassau County become more citified, and as mature trees along the streets have died , residents have become less likely to replace them. These trees are essential to the environment since they take the carbon dioxide out of the air and replenish it with oxygen. We know that this is vital to keep the levels of air pollution down in an area that is bordered by Southern State Parkway and Peninsula Boulevard, which are both highly traveled roads. This densely populated area is lucky to have such park space, which is rare on the South Shore of Long Island. Please don't destroy it.

Sincerely,  
Anne M. Bernhart  
155 Vernon Avenue  
Rockville Centre, NY 11570

Sent from my iPhone

# Comments on Hempstead Lake State Park Project Public Notice 2142824901

Stern

Stern, David A. <David.Stern@ncc.edu>

Fri 11/02/2018 1:25 PM

To: nyshcr.sm.nyscdbg.dr.er <nyscdbg\_dr\_er@nyshcr.org>; Accardi, Matt (STORMRECOVERY) <Matt.Accardi@stormrecovery.ny.gov>;  
Greene, Daniel (STORMRECOVERY) <Daniel.Greene@stormrecovery.ny.gov>;

Cc: joe.forgione@gmail.com <joe.forgione@gmail.com>;

 1 attachments (75 KB)

CAC comments on HLSP EA.docx;

*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

Please find attached the LWTB CAC's comments on Hempstead Lake State Park Project Public Notice 2142824901. The majority of the CAC have expressed their concerns that the EA lacks sufficient information to make the final determinations listed on the Public Notice. Accordingly, we request a Full Environmental Impact Study be completed before any action is taken.

6

Sincerely,  
David Stern and Joe Forgione, Co-Chairs LWTB CAC



## Citizens Advisory Committee

### Request for Full Environmental Impact Study for Hempstead Lake State Park Project Public Notice 2142824901

The CAC requests that a full Environmental Impact Statement (EIS) be completed prior to a final decision on the proposed project.

Our request is based on the following the concerns:

#### **I. The Scope and Scale of the Project Meets SEQRA Requirements for a Full EIS**

The proposed project meets the requirements as a Type I project as described in the State Environmental Quality Review Act (SEQRA) and as such warrants a full EIS. A SEQRA Type I project includes “nonresidential projects physically altering 10 or more acres of land”. The proposed project will affect more than 60 acres. In addition, SEQRA requires consideration for a full EIS for Unlisted action on projects that will be “occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space”.

1

The SEQR 617.7 b (3) specifically requires “thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have a significant adverse impact on the environment”. The EA has failed to provide thorough analyses of the hydraulic effect of the project; changes to the integrity of Hempstead Lake Dam; ecologic importance of natural areas; changes to the character of the park; water quality changes; and long-term maintenance impacts. The EA has also failed to adequately consider alternatives, mitigation measures and the cumulative impacts of this proposal with other Living With The Bay (LWTB) projects. Details of these deficiencies are provided as follows:

#### **II. The Environmental Assessment is Incomplete and has Inadequately Assessed the Significant Impacts of the Project**

##### **A. Incomplete Hydrologic and Hydraulic Modeling**

The EA’s Hydrological and Hydraulic Assessment (Appendix O) is identified as the basis for many of the determination’s environmental benefits and no negative environmental impacts. The Hydrological and Hydraulic Assessment (HHA), lacks the hydrologic input data to calibrate (let alone verify) the models that form the basis of this assessment. Page 31 of the assessment states “There is no available stream gauge data

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for the Mill River, however there is a limited amount of USGS data available for the Pines Brook (1939 – 1999)”. Since Pines Brook is a tributary located downstream, there is no stream flow data available for the project area. The EA failed to collect data to adequately perform modeling. The modeling instead was inadequately partially calibrated (and never verified) based on limited data from a downstream tributary (Pines Brook) which stopped collecting data 20 years ago. Page 31 of the assessment states “The model predicted much higher flows than the record data. The curve numbers were reduced by ten percent and then the model was re-run. The model predicted flows while lower, were still more conservative than the recorded data. It was determined that we would use the lower curve numbers throughout the model. No further calibration was attempted since the information about the Pines Brook gauge was very limited”

The HHA hydrology is based on Probable Maximum Precipitation (PMP) predictions from a 1982 SCS document. These predictions predate the effects from climate change and therefore under predict PMP values that may be more likely.

#### B. Inadequate Assessment of Hazards Associated with Hempstead Lake (HL) Dam

The EA fails to consider the potential weakening of the HL Dam by removing mature vegetation. The last formal Army Corps of Engineers inspection included a recommendation to not remove this vegetation on the dam. While there is accepted standard practice to sustain mowed vegetation on well-maintained earthen dams, it is less certain regarding the effects of removal of mature vegetation on earthen dams that have been neglected over long periods, (such as the current situation at the HL dam). Based on the CAC site visit in May 2018, it was made clear that there are currently no visible signs of leakage downstream of the dam indicating that the dam is currently well intact. However, the EA contains no studies on the current conditions of the dam’s integrity. The HL Dam is the only dam on Long Island classified as a Class C High Hazard (due to its size and the density of development located downstream and potential to cause loss of life). The EA must include an assessment of the dam’s integrity. Such an assessment needs to be based on data including a detailed delineation of the current location of the phreatic line (water penetration of earthen dam).

The Hydrological and Hydraulic Assessment (HHA) identified that a more serious deficiency of the HL dam is that it can hold back storm flow for only 39 percent of Probable Maximum Flow (PMF) event before it starts overtopping. DEC requirements states “Existing dams that are being rehabilitated should have adequate spillway capacity to pass the following floods without overtopping”. Class C dams such as the HL dam require 50 percent of PMF. The EA should include an alternative proposal that includes construction of an emergency spillway to meet this standard.

#### C. Ecologic Importance of Northern Ponds

The HLSP North Ponds project would remove some wetlands and create others, remove approximately 1200 trees, and expand trails. The North Ponds currently provide valuable and rare wetland habitat of shallow open water and mudflats that are used by an

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abundance and diversity of shorebirds, wading birds, and dabbling ducks. Dredging and increasing water capacity may flood the habitat and make it unusable by these at-risk species. The proposed constructed wetlands of the stormwater catchment facility will have high slope berms and provide questionable suitable habitat. The expansion of trails and creation of viewing points around the North Ponds is gratuitous destruction of habitat and removal of native vegetation that provides crucial food and shelter for birds, including Bald Eagles. The North Ponds area is one of the last wild areas of Nassau County, and as much as possible, should be preserved as such. Further fragmenting the woodlands and wetlands with trails and disturbing the area with recreational traffic defeat the purpose of increasing access to nature by removing nature from the equation. We agree with the Seatuck Environmental Association that the North Ponds area be designated as a Parks Preservation Area pursuant to New York Law governing State Parks. The EA failed to address these impacts.

5 cont

D. Water Quality Improvements Provided by Existing Northern Ponds

Water quality testing for the existing Northern Ponds that was performed by Cashin Associates (2015) indicates that the existing ponds provide significant water quality improvements currently. Comparing the water quality collected at the inlet of the Ponds (site WQ-1) to the quality leaving the ponds (site WQ-7) shows greater than 80% reductions of almost all pollutants sampled. The EA fails to evaluate whether disturbing this area will significantly reduce the current water treatment ability of the existing ponds.

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E. Endangered Species Habitat

DEC and USFWS did not perform site visits but recommended surveys regarding endangered species that may occur within the park.

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F. Change of Character of the Park

As described in the EA documents, HLSP is the largest freshwater body in Nassau County and represents the largest continuous track of natural land in southern Nassau County. The proposed project will transform a significant percentage of the natural portion of the park into active recreational areas (trails, kayak launches or open grass vistas); industrial facilities (floatable collection and detention basins), or building (resiliency office building). HLSP currently has no master plan to provide a vision of the Park and has not had public input on the major transformation of this last large natural area in southern Nassau County.

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G. Net loss of Wetland and Wetland function

The Northern Ponds Impact Document was provided only days before the public hearing and did not include the appendices that documented the methodology used to reach its conclusions. Based on other evaluations (see D above), it's likely that this

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evaluation did not consider the water quality data confirming the pollutant reduction functions already provided by the existing wetlands.

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#### H. Negative Impacts to the Water Quality of Mill River

The transformation of significant portions of HLSP from forest to grasslands will provide ideal habitat to attract Canada Geese in large numbers. The Canada Geese in turn will add high concentrations of nutrients and fecal pathogens into the waterway, resulting in additional eutrophication. This issue is well documented by the New York City Department of Environmental Protection and their multi-million dollar program to harass Canada Geese and Gulls off the grassy lands near NYC reservoirs.

The sediment testing for the Northern Ponds indicated significant contamination. The DEC has required that this contamination be disposed of outside of Long Island. The EA fails to consider how these contaminants will be contained during the disturbance of project construction and after the project is complete.

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#### I. Environmental Impacts from Long Term Maintenance are not Addressed

The EA fails to provide information on the traffic and air quality impacts that will result from routine maintenance of the proposed northern detention basins, trails and newly created manicured areas of the park.

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### III. The EA is an Segmentation of the Overall LWTB Project

Segmenting the HLSP project from the rest of the LWTB projects results in several missed opportunities in addition to the failure of addressing the cumulative impacts from the larger LWTB program. The best example of this is regarding addressing the current deficiency of Hempstead Lake Dam in meeting safety standards during severe storms. HHA states on page 45 “The difficulty with trying to make the dam meet current standards is that both the *upstream and downstream* ends of the watershed are flooded prior to the dam overtopping. NYS Parks has jurisdiction over the area within Hempstead Lake State Park but not over the downstream part of the watershed including the wetland area below South Pond, Maine Avenue, Peninsula Boulevard, and Smith Pond. NYS Parks does not have jurisdiction over the Pines Brook segment of the watershed or the Southern State Parkway. Potential improvements to the watershed were limited to work in South Pond, Hempstead Lake and the North Ponds”. The project sponsor (GOSR) has jurisdiction over the entire Mill river basin as part of the LWTB project. All LWTB projects should be considered for their cumulative impact to flooding along the LWTB project area.

12

### IV. Alternative Actions and Mitigation Measures have been Inadequately Considered

- A. The EA fails to give serious considerations to alternative Actions and mitigation measures. Due to the segmentation of the HLSP project from the LWTB project DD (Hempstead High School Creek Restoration Project), relocating the stormwater treatment facilities from HLSP to incorporate them into Hempstead High School Creek

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↓

Restoration Project would eliminate the loss of rare freshwater coastal plain shore habitat and surrounding wetlands. It would also eliminate the planned river-confining bulkhead (project DD) and provide more room for the river. In addition to protecting sensitive habitat and avoiding the loss of designated parkland, this modification will have the added benefit to provide direct educational opportunities and stewardship with an underserved community school.

13 cont

- B. An alternative to the proposed Environmental and Resiliency building is to partner with the Center for Science Teaching and Learning (CSTL) located only one mile downstream at the Tanglewood Preserve. This would eliminate all impacts and parkland losses from this component and free up over 3 million dollars for environmentally beneficial projects. The already established Center for Science Education and Learning at the adjoining Tanglewood preserve duplicates the proposed environmental education functions. The justification as a “coordination center” during emergencies is not supported and contradicts the concept of locating such a facility within a vulnerable flood zone. None of the emergency management agencies have provided an endorsement of this facility.

14

- C. The EA also fails to include the USACOE recommendation to retain mature hardwood trees on the downstream face of the Dam. This mitigation would significantly reduce the negative impacts regarding changing the character of the park, reducing natural habitat and creating Canada Goose habitat. If GOSR rejects these recommendations, then the risk from this project should be minimized by first conducting a pilot clear cut of just a small area and measure the effect on dam integrity

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- D. To avoid loss of rare freshwater coastal plain shore habitat and surrounding wetlands, the EA fails to consider stormwater treatment closer to its source. A more effective alternative to the proposed stormwater treatment facility is to implement mechanisms to ensure the maintenance of catch basins that drain to the Mill River and identification of the condition of all underground conduits for structural failure and clogging. The use of catch basin inserts would enhance this approach even further.

16

## V. Failure to consider Long-Term Impacts

Based on the historic budget priority for maintenance of HLSP it appears doubtful that there will be the significant increase in funding needed to maintain the infrastructure of the proposed project. Accordingly, the EA should quantify the project’s potential environmental benefits based on effectiveness of the infrastructure without maintenance. If the dam is not mowed or the floatable and detention basins are not routinely cleaned, the potential benefits will be short-lived.

17

## VI. Alienation of Parkland

As per Federal and State public trust doctrine, the state has a duty to hold public parkland for the benefit of the people and restrict change of use.

Transformation of significant portions of HLSP from natural park to non-park uses (such as a stormwater catchment facility) represents an alienation of parkland and a violation of the use of this property as parkland under the concept of the “Public Trust”. In addition, the change of use also requires approval from the National Park Service (NPS) for “conversion” of this land. HLSP has received federal funds for use of HLSP as a park and therefore is obligated to obtain NPS approval for these changes of uses.

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## VII. Public Notice Has Been Deficient

Public notice has been limited to 10 days with hearings being held miles from Hempstead Lake State Park. Notice of hearings and comment period received only minimal posting and was basically hidden from the public.

Since the HL dam is the only Class C (Hazardous) dam on Long Island , the required Emergency Action Plan should be made readily available on the LWTB web site.

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# Save the trees

Ceraulo

Maria Ceraulo <mceraulo0116@gmail.com>

Tue 10/30/2018 5:05 PM

To: nyshcr.sm.nyscdbg.dr.er <nyscdbg\_dr\_er@nyshcr.org>;

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Sent from my iPhone

# Living with the Bay Project

Vincent Drzewucki <drzewucki4889@gmail.com>

Drzewucki

Wed 10/24/2018 10:43 AM

To: nyshcr.sm.nyscdbg.dr.er <nyscdbg\_dr\_er@nyshcr.org>;

*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

I am writing to oppose and stop the Living with the Bay Hempstead Lake State Park Project as currently proposed. This project needs to demonstrate how the project would mitigate storm water flooding south and north of the project area along the Mill River right down the bay. How repairing the main dam will mitigate the future flooding risks now associated with increased storm flooding due to global wide climate change. A complete environmental impact study need to be done and presented to the public for to determine the effectiveness and transparency of project and for informed public comment. At least 2 or more alternative proposals need to be offered for public input. The current expenditures for park paths, kayak launches and education center need to be more clearly defined, explained and justified with how future park budgeting will support and sustain such assets when past budgeting failed to maintain the park and the dams.

Vincent Drzewucki  
190 W. Merrick Rd. Apt. 4R  
Freeport, NY 11520  
516-623-2692

# CCE comments on Hempstead Lake State Park

Murphy

Maureen Murphy <mmurphy@citizenscampaign.org>

Thu 11/1/2018 2:28 PM

To: nyshcr.sm.nyscdbg.dr.er <nyscdbg\_dr\_er@nyshcr.org>;

Cc: 'Sarah Charles' <scharles@citizenscampaign.org>; Aesposito@citizenscampaign.org <aesposito@citizenscampaign.org>;

 1 attachments (269 KB)

Hempstead Lake State Park Comments\_11218 (2).pdf;

*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

Please see attached comments on the Hempstead Lake State Park from Citizens Campaign for the Environment.

Thank you,

Maureen Dolan Murphy  
Executive Programs Manager  
225a Main Street  
Farmingdale, NY 11735  
516-390-7150

# CITIZENS CAMPAIGN FOR THE ENVIRONMENT



www.citizenscampaign.org

☐ 225A Main Street • Farmingdale, NY 11735  
 516-390-7150  
 ☐ 744 Broadway • Albany, NY 12207  
 518-772-1862  
 ☐ 733 Delaware Road, Box 140 • Buffalo, NY 14223  
 716-831-3206  
 ☐ 2000 Teall Avenue, Suite #204 • Syracuse, NY 13206  
 315-472-1339  
 ☐ 2404 Whitney Avenue, 2nd Fl. • Hamden, CT 06518  
 203-821-7050

Empowering Communities, Advocating Solutions.

11/2/18

Office of Storm Recovery  
64 Beaver Street  
PO BOX 230  
New York, NY 10004

## RE: Hempstead Lake State Park Project, Public Notice 2142824901

Citizens Campaign for the Environment (CCE) is an 80,000-member non-profit, non-partisan advocacy organization that works to protect public health and the environment. CCE has been working to protect water quality across NY & CT since its inception in 1985. CCE is an active member in the Long Island Sound Study Citizens Advisory Committee and Chairs the South Shore Estuary Reserve Citizens Advisory Committee.

Protecting water quality and implementing coastal resiliency projects are critical as increased storm events are predicated with our changing climate. These two objectives should be complimentary to each other. The removal of 2500 trees in the Hempstead Lake State Park Project could negatively affect critical habitat and change the landscape of a beloved community park. The project needs further assessment and evaluation.

***We urge the Governor's Office of Storm Recovery to conduct a full comprehensive environmental impact study for the Hempstead Lake State Park Project to more fully assess the impact of removing over 2500 trees from the park.***

Hempstead Lake State park is a 737 acre park, one of the most important and highly used green spaces remaining in Nassau County. The park is utilized by a diverse group of thousands of visitors a year, including birders, runners, and equestrians. Preserving and properly maintaining such an important community resource needs to be top priority. The proposed changes to the park need to be thoroughly evaluated for any resulting impacts to the character of the park and habitat for the multiple species dependent on the park habitat.

The Environmental Assessment (EA) of the Hempstead Lake State Park (HLSP) Project describes in some detail the removal of 2550-2850 trees, a loss of wetlands, and fragmentation by and widening of new trails. It also claims that the loss of these trees would have "no significant environmental impact". **CCE believes this finding to be premature given the lack of meaningful environmental review.** Removal of this high quantity of trees necessitates a robust environmental impact statement evaluating the associated impacts to the park and the park users. The impact statement should explore:



1. Alternative scenarios that do not rely on the removal of so many trees.
2. A full assessment of the many species that rely on the current habitat of the park
3. Impacts of tree removal on endangered species, flooding and wetlands habitats
4. Identify potential mitigation measures to be put into place to compensate for the removal of the trees
5. Characterization of the trees proposed to be cut: What kind of trees are they, how old are they?
6. How the loss of the trees will impact air quality to the surrounding community
7. How the removal of 2500 trees would impact the health of the South Shore Estuary Reserve
8. Any impact to sediment transport.
9. Any impact or acceleration to erosion along the banks of the lake and tributaries.
10. Impacts to recreational use of the park.

3 cont

The scope, size and large cost of the he HLSP project warrants a full Environmental Impact Study, therefore the current Environmental Assessment is insufficient to determine potential impacts to the parks ecosystem. Hempstead Lake State Park's important connection to the South Shore Estuary warrants a closer look at impacts the proposed changes would have to this estuarine system.

4

Thank you for considering our comments.



Adrienne Esposito  
Executive Director  
Citizens Campaign for the Environment

## hempstead lake tree removal

kathy gaffney &lt;kathleen.gaffney@verizon.net&gt;

Gaffney

Thu 11/1/2018 7:49 PM

To: nyshcr.sm.nyscdbg.dr.er &lt;nyscdbg\_dr\_er@nyshcr.org&gt;;

Cc: rsympson@optonline.net &lt;rsympson@optonline.net&gt;;

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the relative benefit of the proposed tree removal can only be assessed by a full environmental impact statement including the # of each species to be removed and the benefit vs damage such removal will have on the dams. Trees are very important for ground water management. Full EIS is needed to assure the project achieves the benefit hoped for versus adds continuing degradation to the site.

1

Kathy Gaffney, Master Gardener CCE Nassau, Member Nassau County Tree Advisory Board  
590 concord ave  
Williston park, NY 11596

# COMMENT FORM

## Hempstead Lake State Park

### Public Hearing on the Environmental Assessment

October 17, 2018

Please use this comment form to let us know your thoughts.  
These comments will become part of the official record.

Name (required): JOSEPH HUBBARD  
Organization/Affiliation: CONCERNED RESIDENT  
Street Address: 33 OLIVE PL  
City: LYMBROOK State: NY Zip Code: 11563  
Email:

Comments: I THINK THERE SHOULD BE A  
COMPLETE ENVIRONMENTAL IMPACT STUDY.  
CLEARING THE TREES FROM THE DAMS  
COULD BE DANGEROUS CITING A 1981  
ARMY CORPS OF ENGINEERS STUDY.  
SHRINKING OF WETLANDS WOULD ONLY HARM  
WILDLIFE!

Please leave this form with us today or submit any time during the comment period, which ends on  
**October 22, 2018**, to the contact noted below:

Matt Accardi  
Bureau of Environmental Review and Assessment  
Assistant General Counsel  
New York State Governor's Office of Storm Recovery  
25 Beaver Street, 5<sup>th</sup> Floor  
New York, NY 10004

Additional comments may be recorded on the back of this page (or you may attach additional materials).



Governor's Office of  
Storm Recovery

73 Gold Street  
Valley Stream, NY 11580-4938

November 2, 2018

Matt Accardi  
Bureau of Environmental Review and Assessment  
Assistant General Counsel  
New York State Governor's Office of Storm Recovery  
25 Beaver Street, 5th Floor  
New York, NY 10004

Re: Resiliency Project of the Mill River and Tree Removal in Hempstead Lake State Park

Dear Mr. Accardi,

I am writing to protest the use of \$35,000,000 designated to provide storm resilience to the Mill River between the channels north of Long Beach and the north ponds of Hempstead Lake State Park to be used for tree removal and "improvement" in the park. The resilience project, done with attentive and thorough thought to the environment is a positive undertaking. Reducing the \$125 million provided by \$35 million suggests that \$35 million worth of resilience work would be eliminated and hence compromise the project.

What is most disturbing, however, is the use to which the \$35 million will be put - transforming a gem of a natural and important wildlife habitat into - yet another - recreation area. Hempstead Lake State Park is one of only two state parks in Nassau County, one of two predominantly undisturbed natural areas to which one can repair, and reap the benefits. It would go without saying, but seems necessary in this case, that an undisturbed area is of vital importance for wildlife, particularly when so much of it is disappearing. That we are aware of, if not through experience, then by the national conversation in this regard. The urgency of the need to preserve natural areas cannot be understated. Ever more is being encroached upon, diminished, destroyed. It is being chosen with full awareness to ignore this and be accomplice to it. This is an undertaking that is very regrettable and not one of which to be proud.

Hempstead Lake State Park is a gem in that it is a beautiful natural area which preserves the integrity of the natural landscape while also affording areas of use for the public without major intrusion. Here people can indulge in sport, they can fish, picnic, bird, walk, run, bike and still derive major benefit from nature as it is and needs to be. Here wildlife can still comfortably thrive in the presence of people while people also derive benefit.

A New York Times article, "Leaving Only Footsteps? Think Again" by Christopher Solomon, dated February 13, 2015 explains the surprising impact of human presence in natural areas (excerpts):

*"More and more studies over the last 15 years have found that when we visit the great outdoors, we have much more of an effect than we realize. Even seemingly low-impact activities like biking, cross-country skiing, and birdwatching often affect wildlife, from bigborn sheep to wolves, birds, amphibians and tiny invertebrates, and in subtle ways."*

*Impacts from outdoor recreation and tourism are the fourth-leading reason that species are listed by the federal government as threatened or endangered, behind threats from non-native species, urban growth and agriculture.*

*You'd be surprised by the ripples left by a day-biker's ramble through the woods. In 2008 Sarah Reed, an associate conservation scientist at the Wildlife Conservation Society, and her colleagues found fivefold declines in detections of bobcats, coyotes, and other midsize carnivores in protected areas in California that allowed quiet recreation activities like biking, compared with protected areas that prohibited those activities.*

*Dogs, a frequent villain, weren't the issue for these carnivores; people were, according to her research.*

*Birds get ruffled, too. Researchers who studied trails around Boulder, Colorado, found that populations of several species of songbirds, including pygmy nuthatches and western meadowlarks, were lowest near trails. "There's something about the presence of humans and their pets when they go on bikes that causes a bit of a 'death zone' of 100 meters on either side of a trail," said Prof. Rick Knight of Colorado State University. Running, canoeing, cycling, and similar activities negatively affected birds in nearly 90 percent of 69 studies that researchers reviewed in 2011. Reductions were seen in the number of nests built, eggs laid, and chicks hatched or fledged.*

*In Connecticut, wood turtles, labeled a 'species of special concern' in the state, vanished from one wildlife preserve over 10 years after the area was opened to activities like hiking, researchers found.*

*A century ago, nature had elbow room. Now there's a lot less of it, while recreational activities and nature tourism are growing in most parks, wilderness areas and other protected areas.*

*The challenge is to find a nuanced balance between enjoying nature and protecting it, recognizing that recreation does not necessarily complement conservation or preservation.*

*We now know recreation is having impacts in ways that we hadn't imagined. We must plan accordingly.*

*Only if nature is healthy will it be able to sustain and support us in the future."*

*[Christopher Solomon is a contributing editor at Outside magazine.*

*[www.nytimes.com/2015/02/15/opinion/unday/leaving-only-footsteps-think-again.html](http://www.nytimes.com/2015/02/15/opinion/unday/leaving-only-footsteps-think-again.html)*

It is difficult to understand the removal of trees and wildlife habitat and stopover area for migrating birds when there is a national conversation on this topic - loss of habitat, the threatened and endangered status of species and that destroying more habitat contributes to the continuous imbalance and unraveling of ecosystems - and food chains - and which ultimately becomes detrimental to us. Plus trees reduce erosion, clean the air. We have wrought extensive harm in this regard. Our cerebrum confers huge responsibility, and certainly there is no responsibility greater than attending to the judicious treatment of our environment, our planet. We must live with it, not against it. It is perplexing that present minds would deem the thinking of those of the past 100 years - when there was also still more yet untouched landscape - to have been ill-conceived that this park was never deemed an area of underuse and those of the present represent deliverers from "deprivation" and boredom.

Hendrickson Park in Valley Stream serves as a warning in my mind. It was once a beautiful natural area with a lake which now is a testament to what happens when we feel that the human footprint must reign. It is a testament to asphalt and concrete. The "park" is no longer one. It is a recreation area with some trees. It has become artificial, its beauty given over to a pool complex, mini golf, handball courts, tennis courts, basketball courts, its lake half filled in for that purpose, its remainder robbed of natural appearance, stripped of trees and lined with a cement wall, its stream redirected. It has become a place where one's focus is redirected, where one does not, cannot, commune with nature but where one dashes through it and overruns it, glancing at token trees. One walks the periphery or crosses only grass to the uninspiring water in its setting.

Whether one views the \$35 million as not being put to use for the resiliency project or that it is being put to destructive use, it is not being put to beneficial use in either case. Hempstead State Park is not underused. It is greatly used by wildlife and needed the way it is, without "enhancement," or "improvement" and it is always used by those who enjoy it the way it is and needs to be. It is unconscionable to cause further destruction when there is an ongoing and emphatic conversation about habitat loss and the endangerment and loss of species.

I say no to the misuse of the \$35 million, both because it is not being used for resiliency and because it is being put to destructive use and hope that those for whom other forces are driving this decision will reconsider and protect and preserve a gem that needs protecting more than ever. Note, too, that diminishing of the natural landscape and increase in human presence will also cost us the spectacular bald eagles that visit our park and possibly other raptors and also its beautiful songbirds and other fauna.

I thank you for your time and consideration and add still for thought a passage by the author, naturalist, and scholar Helen McDonald from her book H Is for Hawk.

*"I think of what wild animals are in our imaginations. And how they are disappearing -- not just from the wild, but from people's everyday lives, replaced by images of themselves in print and on screen. The rarer they get, the fewer meanings animals can have. Eventually rarity is all they are made of. The condor is an icon of extinction. There's little else to it now but being the last of its kind. And in this lies the diminution of the world. How can you love something, how can you fight to protect it, if all it means is loss?"*

Sincerely,

*Diana Ibmann*

Diana Ibmann

I 1

# hempstead lake park comment

kenneth larney <larnesq@optonline.net>

Sun 10/28/2018 5:28 PM

To: nyshcr.sm.nyscdbg.dr.er <nyscdbg\_dr\_er@nyshcr.org>;

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I would like to offer my comments regarding the removal of 2550 to 2850 trees from Hempstead Lake State Park.

It seems to me that the if one examines the totality of the circumstances, the tree removal will cause harm and offer little benefit to the park's patrons, flora and fauna.

I offer an opinion as one who hikes in the park frequently with my wife and two dogs. The current condition of the park's North Ponds is quite natural and should not be considered overgrown or unmanageable. Also, to my knowledge, there are no issues concerning the width or number of available trails.

The acknowledged negative impact on overwintering birds, the flooding danger of removing long established tree roots from the dams and the lack of specificity of a cleanup plan do not inspire confidence that the planned actions will benefit the park and those who enjoy it. In fact, the plodding pace of past projects bodes long term inconvenience to the park's patrons.

Moreover, the long term inaccessibility to certain areas will hinder learning about the park; constructing an Education Center will not offset this.

In my eyes, hiring more personnel to keep the park clean and safe and upgrading the public bathrooms would be a better use of State funds, though I realize funding would come under a different program.

I respectfully request that you reconsider this plan and offer a well

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I<sub>2</sub>

I<sub>3</sub>

10/29/2018

Mail - nyscdbg\_dr\_er@nyshcr.org

thought out alternative in its stead.

Respectfully yours,

Kenneth J. Larney



Claudia Borecky, Director  
[claudia@licaws.org](mailto:claudia@licaws.org)  
516-972-6988

[www.licaws.org](http://www.licaws.org)

Dave Denenberg, Director  
[dave@licaws.org](mailto:dave@licaws.org)  
516-330-9930

October 16, 2018

Denenberg and Borecky

NYS Governor's Office of Storm Recovery  
25 Beaver Street – 5<sup>th</sup> Floor  
New York, New York 10004

**Re: Living With The Bay  
Public Notice 2142824901**

Dear Sirs:

LI Clean Air Water and Soil ("CAWS") is a not-for-profit organization dedicated to the protection of Long Island's water resources as well as clean air and soil. CAWS advocates for sustainable and environmentally sound measures to mitigate the effects of future storms.

Repairing and strengthening the Hempstead Lake Dam will protect residents, homes and businesses from flooding due to increasing occurrence of extreme weather events. However, CAWS is concerned with the "Living With the Bay" ("LWTB") project that proposes improvements to Hempstead Lake State Park ("HLSP") dam. Strengthening the dam to provide for flood mitigation by controlling reduced and delayed peak flows to downstream water bodies and communities during extreme weather events may reduce the risk posed to downstream communities, but clearing 2.5 acres and cutting down 2,500 trees along the wall of the dam could weaken rather than strengthen, the structural integrity of the 100 plus years-old dam..

Removal of 2,500 trees will impact the local ecology, bird and wildlife. With overdevelopment becoming a very real concern in Nassau County, the benefit of mature trees cannot be diminished. Obviously, trees produce oxygen, intercept airborne particulates, and reduce smog, enhancing a community's respiratory health. We further submit that mature trees contribute to the protection of groundwater quality by removing nitrogen-based fertilizers from the groundwater before the groundwater can leach such nutrients to local water bodies and aquifers. The removal of trees should not be a part of an overall plan to protect our communities from extreme storms when trees actually sequester carbon (CO<sub>2</sub>), reducing the overall concentration of greenhouse gases in the atmosphere - reducing the chances of more storms due to climate change.

Before a project of this magnitude is undertaken, a full environmental impact study must be conducted. Such study must investigate how removing mature trees from the wall of a 100 plus years-old dam will impact the structural integrity of the dam; bird, fish and all wildlife of this region; the local ecology; groundwater and waterways and our surrounding communities. Again, there is a lack of study into these impacts.

CAWS joins the Citizens Advisory Committee's request for a comprehensive environmental impact study of the proposed Living With The Bay project, including specifically the impact of removing 2,500 trees from, or near, the dam's wall.

Thank you for your attention to this matter.

Very truly yours,

*Dave W. Denenberg Claudia Borecky*

Dave Denenberg and Claudia Borecky  
Directors  
LI Clean Air Water & Soil



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NEW YORK 10278-0090

Mallery

OCT 31 2018

Regulatory Branch

Subject: Department of the Army Permit Application No. NAN-2017-01267-EGR  
Hempstead Lake State Park / Living With The Bay  
Review of Environmental Assessment With Finding of No Significant Impact

Ms. Donna Mahon  
Field Environmental Officer  
Region 2, U.S. Department of Housing and Urban Development  
Office of Environment and Energy, Newark Field Office  
1085 Raymond Boulevard, 12<sup>th</sup> Floor  
Newark, New Jersey 07102-5260

Dear Ms. Mahon:

Thank you for requesting the concerns of the New York District of the U.S. Army Corps of Engineers with regard to the "Hempstead Lake State Park Environmental Assessment", dated October 5, 2018.

This office had previously submitted comments on the draft Environmental Assessment, in a letter dated October 4, 2017 (a copy of which is attached for your review). At that time, this office noted two principal areas of concern.

The first involved the relationship of the project to the other aspects of the Living With The Bay initiative, and the need for additional rationale to support the approach to the preparation of the Environmental Assessment that the draft utilized. It appears that the wording that this office was most concerned with in the draft was incorporated directly into the final Environmental Assessment, without an effort to address the issues raised by this office.

The second involved the lack of an approved jurisdictional determination of the extent of waters of the United States on the project site. Such a jurisdictional determination would be necessary for an accurate description of the impacts of the project, and as a starting point for the consideration of the mitigation that would be required for those impacts. It appears that the final Environmental Assessment was prepared without an approved jurisdictional determination, so that the scope of impacts of the project and the adequacy of the mitigation review are based on unconfirmed estimates.

The letter from this office dated October 4, 2017, provided recommendations to the project sponsor on the manner in which these areas of concern should be addressed in the final Environmental Assessment. It does not appear that the project sponsor followed through adequately on those recommendations.

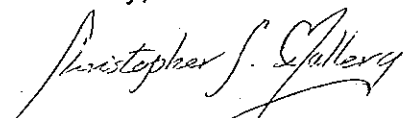
Subject: Department of the Army Permit Application No. NAN-2017-01267-EGR  
Hempstead Lake State Park / Living With The Bay  
Review of Environmental Assessment With Finding of No Significant Impact

This office recognizes that your office is currently involved in determinations that are distinct from the permit decision role of this office. In this permit decision role, this office has been coordinating with the project sponsor to resolve some of these issues with regard to the necessary information to move this matter forward.

Once a complete permit application for the proposed work is submitted by the project sponsor, this office will issue a Public Notice to progress with the public interest review necessary for its determinations within the permit application review process. At that time, the project sponsor will be asked to address any additional concerns raised during the public notice comment period.

If any questions should arise concerning this matter, please contact me at 917-790-8418.

Sincerely,

A handwritten signature in cursive script, reading "Christopher S. Mallery".

Christopher S. Mallery, Ph.D.  
Deputy Chief, Regulatory Branch

C: Ms. Fretwell, US HUD  
Ms. Lamster, US EPA  
Mr. Papa, US FWS



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NY 10278-0090

OCT 4 - 2017

Regulatory Branch

Subject: Department of the Army Permit Application No. NAN-2017-01267-ETY  
Hempstead Lake State Park / Living With The Bay  
Comments on Draft Environmental Assessment

Mr. Matt Accardi  
Assistant General Counsel and Certifying Officer  
Governor's Office of Storm Recovery  
25 Beaver Street  
New York, New York 10004

Dear Mr. Accardi:

Thank you for providing the New York District of the U.S. Army Corps of Engineers with the "Hempstead Lake State Park Draft Environmental Assessment", dated September 19, 2017. This office has followed the development of this project with considerable interest, especially in light of the complex grouping of components involved in the Living With The Bay (LWTB) Rebuild by Design (RBD) initiative, and the potential challenges this presents to permitting review. The project is currently being dealt with as a pre-application review, with the Governor's Office of Storm Recovery (GOSR) as the permit applicant, under the above-referenced application number.

As this office has previously pointed out in meetings of the Sandy Regional Infrastructure Resilience Coordination (SRIRC) Federal Review and Permitting Team (FRPT), there are two principal areas of concern for the Lake Hempstead State Park project that have long been evident:

- a. the difficulties in presenting the Lake Hempstead State Park project for environmental review, first as an integral part of a comprehensive plan based on a watershed approach to coastal resiliency, and second, as a single discrete independent project, integrated from the other aspects of the LWTB RBD Project; and
- b. the identification of, and mitigation for, proposed impacts to waters of the United States, including wetlands, within the jurisdiction of this office by the Hempstead Lake State Park project.

With regard to the first area of concern, these difficulties are readily apparent in the draft environmental assessment under review. The assessment goes to some lengths to describe all of the various parts of the LWTB Project (in Appendix A, "Living With The Bay Intervention Descriptions, Project A through Project Z") and their relationship as "thematically consistent" components of the LWTB Project (p. 4). The project sponsor, GOSR, states that "[b]ecause of the variety and geographic separation of the 31 projects proposed by the LWTB Project and Resiliency Strategy, GOSR determined that a permissibly separate environmental review for the proposed project would best inform decision makers and the public of potential environmental impacts presented by the

Subject: Department of the Army Permit Application No. NAN-2017-01267-ETY  
Hempstead Lake State Park / Living With The Bay  
Comments on Draft Environmental Assessment

proposed project" (p. 6). However, the basis for that determination, which is an integral assumption of this EA, is not well documented in the EA. There are many questions about the interdependence of the various components of the LWTB Project, and the ramifications of the inherent probability of some components being constructed while other associated components are not, and the EA does not answer these questions thoroughly.

The EA further states that: "this EA for the proposed project has been completed with a rigorous assessment of cumulative impacts to ensure that the review would be no less protective of the environment" (p. 6), and that, for the remaining LWTB component projects, "each project will consider the cumulative environmental impacts of the previous project(s)" (p. 6). The justification for the assertion that there has been a "rigorous assessment" of cumulative impacts and for the consideration of the cumulative environmental impacts of future related projects in this limited context (of only the previously completed parts of the LWTB Project) is not well documented.

It is recommended that the final EA for the Hempstead Lake State Park project include:

- a. a more thorough presentation of the rationale for the determination that a separate environmental review process for the current project is permissible in this matter; and
- b. a more thorough presentation of the rationale for the consideration of cumulative impacts in the manner indicated in the EA for this project, and as indicated in this EA for future projects that are components of the LWTB Project, and an explanation of how this consideration is consistent with the regulations, statutes, and established standards that are the basis for the formulation of an EA.

With regard to the second area of concern, this office notes that GOSR does not yet have an approved jurisdictional determination of the extent of waters of the United States that are in the jurisdiction of this office on the Hempstead Lake State Park project site. The standards for a wetland delineation for such a jurisdictional determination are different from those in the mappings of the National Wetlands Inventory (referenced on p. 21) and those of the New York State Department of Environmental Conservation (NYSDEC)(referenced on p. 22). The project sponsor should initiate a request for an approved jurisdictional determination from this office as soon as possible, to insure that the identification of impacts to identified jurisdictional areas are evaluated as completely and accurately as possible.

The estimates of the impacts from the project contained in the EA (on pp. 61 through 63, and in Appendix F (and with reference to Appendix M)) to areas within the jurisdiction of this office, and the proposed mitigation for such impacts, also require considerably more explanation in the EA. Such proposed activities as the transformation of open waters to wetlands through discharges of dredged material, and the filling of forested wetlands without in-kind replacement, are generally avoided to the maximum extent possible, and the mitigation required for such activities is generally substantially greater than is indicated in the EA.

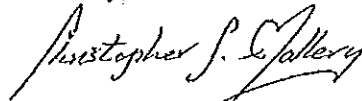
Subject: Department of the Army Permit Application No. NAN-2017-01267-ETY  
Hempstead Lake State Park / Living With The Bay  
Comments on Draft Environmental Assessment

It is also recommended that the final EA for the Hempstead Lake State Park project include:

- a. an approved jurisdictional determination of areas within the jurisdiction of this office, and estimates of impacts in accordance with that determination; and
- b. a discussion of proposed mitigation in terms of location, type, and extent, more consistent with the established regulatory program standards of this office, than is contained in the current draft EA.

This office appreciates having had the opportunity to review the draft EA, and looks forward to working with the project sponsor on this important Sandy recovery project. If any questions may arise concerning this matter, please contact me at 917-790-8418.

Sincerely,



Christopher S. Mallery, Ph.D.  
Deputy Chief, Regulatory Branch

c: Ms. Fretwell, US HUD  
Ms. Knutson, US EPA

## Hempstead Lake project

mcnifficent &lt;mcnifficent@verizon.net&gt;

Tue 10/30/2018 3:02 PM

To: nyshcr.sm.nyscdbg.dr.er &lt;nyscdbg\_dr\_er@nyshcr.org&gt;;

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Mr. Accardi,

I am a resident of Nassau County and am in favor of the RBD project at Hempstead Lake State Park, where I am a frequent visitor.

It looks like this project has tremendous environmental, education, and safety benefits.

I am bothered to see pollution in our waterways and am excited to see that trash and sediment collectors will be installed. I was happy to see that the education center is proposed so close to parking field #1. It would be a shame to have to disturb more land to accommodate parking for this building.

Although I am sad to see trees come down on the dams, I understand that it will strengthen the dams providing safety downstream. And i took a look at some of the areas, many of the trees are dead or invasive.

Thank you for this opportunity to comment. I can't wait to see this project move forward!

Sincerely,

Michael J. McNiff

Sent from AOL Mobile Mail

Get the new AOL app: [mail.mobile.aol.com](mailto:mail.mobile.aol.com)

## TREES

Mendez

Edgar Mendez &lt;emx51@optimum.net&gt;

Tue 10/23/2018 11:23 PM

To: nyshcr.sm.nyscdbg.dr.er &lt;nyscdbg\_dr\_er@nyshcr.org&gt;;

*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

Originally, I was going to write a letter expressing concerns about the extensive amount of trees that are going to be cut down in order to renovate the dam system along Lakeside Drive, where it meets Peninsular Blvd. I spoke to the manager of the park and he said that there are many with similar concerns but, the removal of the trees is necessary to improve the function of the dam. In addition to the environmental concern, many should realize that there is also the air and sound pollution factors that comes from the traffic on the Southern State Pkwy.

The fact that trees give us oxygen should be reason enough to protect them. The ultimate effort should be done to save as many as possible. This should be taken seriously and there should be no neglect on this attempt. The same should be said about replacing as many trees as possible.

If you look at aerial views of West Hempstead and Garden City, you'll notice the abundance of trees that are here, making this area a very healthy place to live. If there's any doubt from an engineering perspective that cutting down this many trees would not carry out the desired "DAM" necessity, then everything should be done to avoid it. Please proceed with the utmost caution because the scars that you make on the land might be irreversible.

Thank You,  
Edgar Mendez

# Proposed Hempstead Lake Updates

Mullooly

Karin Mullooly <mulloo@optonline.net>

Sun 10/28/2018 2:01 AM

To: nyshcr.sm.nyscdbg.dr.er <nyscdbg\_dr\_er@nyshcr.org>;

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hello,

I just read an article with a brief outline of the proposed updates for Hempstead Lake Park. These changes are being proposed by the state to assist the area during future storm surges. As a resident, I appreciate the environmental center that will be open to the community, but I have deep concerns that executing this will have a negative environmental effect to the surrounding wildlife and bird species. I believe a full environmental impact study needs to be completed before proceeding.

I would also like my contact email to be included in any announcements or notices regarding this project.

Thank you,

Karin Mullooly  
15 Pembroke Court  
Rockville Centre, NY 11570

Sent from Karin's iPhone



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

NGV - 1 2018

Mr. Daniel Greene  
General Counsel  
New York State Governor's Office of Storm Recovery  
25 Beaver Street, 5<sup>th</sup> Floor  
New York, NY 10004

Dear Mr. Greene:

The U.S. Environmental Protection Agency has reviewed the Hempstead Lake State Park Environmental Assessment (EA). This project is part of the Living with the Bay Project and Resiliency Strategy (LWTB) for Nassau County, New York. The LWTB project was awarded \$125 million by the U.S. Department of Housing and Urban Development (HUD) through the Rebuild by Design program. As such, the document was prepared by the State of New York, Governor's Office of Storm Recovery (GOSR), serving under the auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation, and acting under HUD-delegated authority.

The purpose of the LWTB project is to provide a comprehensive suite of potential projects intended to provide long-term resilience and climate change adaptation for Nassau County communities in the Mill River Watershed. The LWTB project includes six general project areas. This EA evaluated the Hempstead Lake State Park project component. The Hempstead Lake State Park project would improve the 521-acre state park located in the northern portion of the LWTB project area. The project would improve the Park's existing water management infrastructure and provide new educational and recreational amenities.

In an October 18, 2017 letter, EPA raised concerns regarding the lack of information about a Monitoring Plan and Maintenance Plan. We recommended that the details of these plans be included in the Final EA, as they help demonstrate how project elements will be monitored for success and maintained over time, and how project impacts will be mitigated. The EA did not include an appropriate level of detail to meet these objectives.

EPA also raised concerns about the structural and soil components. This included discussions of the grading plan, berms, purpose of sediment basins, and shore-bank stabilization. Our October 18, 2017 letter stated that the grading plan should show all constructed structures such as forebays (including technical construction plans) and a soil map to demonstrate that the grading plan is appropriate to successfully support the Planting Plan. We also requested that a 404 (b)(1) alternatives analysis for these berms be prepared. EPA recommended that alternatives be evaluated, such as reed beds, for nutrient removal and reductions to bacteria levels since these

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might be more effective and efficient than what was proposed. Also, we note that a Jurisdictional Determination for the project site has not been submitted to the Army Corps of Engineers for review. A Jurisdictional Determination is needed to properly analyze the project's impacts and assist in the consideration of any compensatory mitigation work that may be required for this project. Lastly, we recommended that the technical construction plans for the shore-line bank stabilization be completed and included in the Final EA. These areas of concern were not sufficiently addressed in the EA.

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In light of GOSR's decision to complete a series of EAs for the LWTB project, as opposed to a single comprehensive document, EPA suggested that future LWTB projects include an iterative evaluation of cumulative impacts from past, present and future projects. While EPA recognizes that the complete details of future LWTB projects are not yet available, we encouraged GOSR to include general plan information to the greatest extent possible. The cumulative effects section of the final EA still lacks a level of detail that we had hoped would have been included and did not commit to an iterative process for future LWTB projects.

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EPA does not believe that the EA currently provides sufficient information for GOSR to make a finding of no significant impact (FONSI) determination. Additional documentation, as identified above, is highly recommended to support a FONSI.

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Thank you for the opportunity to comment on the Hempstead Lake State Park Environmental Assessment. Our comments on the EA contained in this letter are intended to help GOSR by providing useful information that will ultimately inform local, state and federal decision-making and review. Should you have any questions regarding the comments and concerns detailed in this letter, please feel free to contact Stephanie Lamster of my staff at 212-637-3465.

Sincerely,



Grace Musumeci, Chief  
Environmental Review Section



Jacob

## Nassau Hiking & Outdoor Club, Inc.

AFFILIATED WITH N.Y. - N.J. TRAIL CONFERENCE

[www.nassauhiking.org](http://www.nassauhiking.org)

PO Box 037207  
Elmont, NY 11003

October 17, 2018

Re: Public Notice 2142824901 Hempstead Lake State Park: Response to the Environmental Assessment and Negative Declaration

Thank you for the opportunity to provide comments on the Hempstead Lake State Park (HLSP) Project. Nassau Hiking & Outdoor Club, Inc. is a 500-member organization, affiliated with the NYNJ Trail Conference. Our members, their friends and family members recreate in HLSP and care deeply about its future. We enjoy hiking, birding, cross country skiing, biking and picnicking in the park.

The HLSP Project Environmental Assessment (EA) calls for the removal of about 2500 trees, a loss of wetlands, and fragmentation caused by trails. It's difficult to understand how such a substantial loss of green space supports a "No Significant Impact" finding, particularly when open space is already so inadequate in Nassau County.

The tree removal that would take place along the dam is particularly risky and alarming. The elimination of established trees from the dam wall could threaten the structural integrity of Long Island's only high hazard dam. According to a 1981 report by the US Army Corps of Engineers leaving roots to decompose could compromise the integrity of the dam and lead to catastrophic flooding downriver. Consequently and ironically, funds intended to mitigate flooding could actually exacerbate it. Moreover, such tree removal would include healthy stands of native oak and cherry trees, and can take place in March, when HLSP is a prime location for migratory birds and a breeding ground for Great Horned Owls.

In Hempstead Lake SEQRA part 2, GOSR acknowledges "Moderate to Large Impact" in construction where depth to water table is less than 3 feet; in dredging more than 100 cubic yards of material from a wetlands or a water body (2500 cubic yards); in construction within or adjoining a freshwater or tidal wetland; in creating turbidity in a water body; in affecting water quality of any water bodies within or downstream of the site; in modification of existing drainage patterns; in changing flood water flows that contribute to flooding; and in repairing dams. Regarding birds, the agency concedes a Moderate to Large Impact in "substantial interference on nesting/breeding, foraging or overwintering habitat for the predominant species that occupy the project site." According to Audubon's Important Bird Area (IBA) website, "Hempstead Lake is one of the most important sites on Long Island for wintering waterfowl, with buildups beginning in late August and peaking in the late fall and winter.

Federal floodplain and wetlands laws (Executive Orders 11988 and 11990) require that practical alternatives be considered in order to avoid adverse impacts. In Appendix M of the HLSP EA, GOSR

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considered only a proposal with significant alterations and a net loss of 1.72 acres of wetlands, and a no-action alternative, in their required 8-step process of wetlands analysis. The North Ponds wetland habitat consists of valuable and rare shallow open water and mudflats that are used by an abundance and diversity of shorebirds, wading birds and pottering ducks. Dredging and increasing water capacity may flood the habitat and make it unusable by these at-risk species. Toying with nature might provide much less suitable habitat. The expansion of trails and creation of viewing points around the North Ponds would be unwarranted destruction of habitat and removal of native vegetation that provides crucial food and shelter for birds, including bald eagles and great horned owls. The North Ponds area is an oasis of wilderness in paved-over Nassau County. Further fragmenting the woodlands and wetlands with trails and disturbing the area would not increase access to nature nearly as much as it would eradicate nature. Likewise, any flood mitigation plan should include a net gain of native trees and shrubs, not a catastrophic loss.

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cont

A floatables collector could make a significant positive difference, but the alternative of locating the floatables collectors upstream where floatables enter the watershed has not been considered.

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Regarding cleanup of contamination, GOSR should provide greater detail. According to the NYSDEC, the more thorough the cleanup, the greater the cost, but the greater the environmental benefit. The documents state that the most financially feasible cleanup is a limited one, yet GOSR has allocated money for a multi-million dollar education center that does nothing to improve water quality or mitigate flooding. Why is GOSR so determined to spend millions discussing the problem in an education center instead of spending those funds on engineering solutions to flooding? Moreover, there has been no consideration of repurposing an existing building somewhere else within the Mill River watershed to serve as an education center, which would leave no additional footprint. In total, additional trails, parking, and the education center would result in eight acres of impervious material.

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One third (\$35 million) of the funding for the Living with the Bay project LWTB to mitigate flooding along the Mill River is targeted to be spent on HLSP. What happens at Hempstead Lake affects the entire Mill River, but HLSP should not be considered a functionally independent project. Segmentation is prohibited by SEQRA. Moreover, such enormity of impacts should meet SEQRA criteria to require a thorough Environmental Impact Statement to assess the cumulative impacts of HLSP on LWTB.

I 14

GOSR's lack of communication with the public begs the question- Does Governor Cuomo seek and value public input? Your legal notice was a bare legal minimum requirement. Neither your Citizens Advisory Committee nor Seatuck were notified about this hearing, both of which could have further spread the word. GOSR did not utilize its email list to notify the public. Your CAC has felt so unheard that it drafted a Media Advisory and created an online petition at Change.org. None of this bodes well for public confidence, but we are hopeful now for your thoughtful consideration.

I 15

For our environment,



Guy Jacob, Conservation Chair  
Nassau Hiking & Outdoor Club, Inc.

Email: [conservation@nassauhike.org](mailto:conservation@nassauhike.org)

CC: The Honorable Todd D. Kaminsky, NYS Senator

# Hempstead Lake State Park Tree Removal

Piazza-Bedner

[Ginaballoons@aol.com](mailto:Ginaballoons@aol.com) <[ginaballoons@aol.com](mailto:ginaballoons@aol.com)>

Fri 11/2/2018 8:28 AM

To: nyshcr.sm.nyscdbg.dr.er <[nyscdbg\\_dr\\_er@nyshcr.org](mailto:nyscdbg_dr_er@nyshcr.org)>;

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

To whom it may concern,

I and my family are against the tree removal at Hempstead Lake State Park. We would like to see a environmental impact study. We would like to know how many birds and animals you are displacing and killing by doing this. Have all the residents of the surrounding communities been informed? Surely there must be a better solution.

Thank you

Regina Piazza-Bender

Sent from my iPhone

1

# Re: questions about HLSP dam

Price

Munafo, Laura (STORMRECOVERY)

Mon 10/15/2018 11:16 AM

To: Leslie Price, In Any Event NY <leslie@inanyeventny.com>;

Cc: nyshcr.sm.nyscdbg.dr.er <nyscdbg\_dr\_er@nyshcr.org>;

Hi Leslie:

We are in a comment period for the HLSP EA, so I have added the EA email as the cc. GOSR will be collecting all comments and providing responses.

Thanks,  
Laura Munafo

On Oct 15, 2018, at 10:08 AM, Leslie Price, In Any Event NY <[leslie@inanyeventny.com](mailto:leslie@inanyeventny.com)> wrote:

*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

Hi Laura,

I'm sure you've heard that there's been a lot of CAC concern about removing mature trees from the dam. I think the issue is less about saving trees on the dam and more about the follow up maintenance and inspections. Does GOSR know what NYSP and HLSP have allocated to their annual budget for dam maintenance and inspections? What steps will be taken, other than tree removal? Are chemicals being used on the root systems? Is there a remediation plan for the dam after the trees are removed? Sharing that detailed plan and budget with the CAC might alleviate concern.

I know there are others on the CAC who are uncomfortable with the addition of the education center, walk way and removal of the other trees/wetlands, but I believe (regardless of my opinion) that those issues are debatable, whereas the dam is a matter of public safety.

Look forward to hearing from you. Thanks.

Leslie Price  
in any event  
customized, thoughtful, innovative

office 212.472.7751  
mobile 917.570.3163  
web [inanyeventny.com](http://inanyeventny.com)

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[THE KNOT, A Modern Country Wedding in Bridgehampton](#)

[BRIDES, Glamorous at The New York Public Library](#)

# COMMENT FORM

## Hempstead Lake State Park

### Public Hearing on the Environmental Assessment

October 17, 2018

Please use this comment form to let us know your thoughts.  
These comments will become part of the official record.

Name (required): GREGORY RINN  
 Organization/Affiliation: CITIZENS ADVISORY COMMITTEE (CAC)  
 Street Address: 108 MUIRFIELD RD  
 City: ROCKVILLE CENTRE State: NY Zip Code: 11570  
 Email: grinnmfo@verizon.net

Comments: IN SPITE of the PLATITUDES of the CASP  
THIS PROJECT IS A DIRECT THREAT to the  
ECOLOGICAL AND AUDIBON ENVIRONMENT OF  
HEMP LAKE STATE PARK. PLEASE do NOT PROCEED WITH  
THIS BUREAUCRATIC ATTEMPT TO FULFILL the OBLIGATIONS of  
the LWTB PROJECT TO RESTORE the MILL RIVER ESTUARY  
AND TIDAL / MARSH AREAS TO THEIR NATURAL STATE.  
THE DAMAGE DONE TO the WOODLANDS (open space) AND WATERWAYS (lake)  
AT HMLSP will be IRREPARABLE!!

Please leave this form with us today or submit any time during the comment period, which ends on  
**October 22, 2018**, to the contact noted below:

Matt Accardi  
 Bureau of Environmental Review and Assessment  
 Assistant General Counsel  
 New York State Governor's Office of Storm Recovery  
 25 Beaver Street, 5<sup>th</sup> Floor  
 New York, NY 10004

Additional comments may be recorded on the back of this page (or you may attach additional materials).



Governor's Office of  
Storm Recovery

# Hempstead Lake State Park

Salembier

Vic <Vic@ElectricBatteryCo.com>

Tue 10/30/2018 4:26 PM

To: nyshcr.sm.nyscdbg.dr.er <nyscdbg\_dr\_er@nyshcr.org>;

*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

Hello,

I would like to state that I fully support the rebuilding of the Hempstead Lake State Park Dam. I have enjoyed this park with my family numerous times and would like to see it maintained properly for many generations to come. My concerns for the safety of the people living around (and in) the park is in jeopardy and should not be taken lightly. Please move forward with these important projects not only for the future of the park but the safety of the towns.

Thank you,

Victor Salembier

Nassau County Resident

## Hempstead Lake State Park

Stein

marjorie stein &lt;maggiepush@gmail.com&gt;

Thu 10/18/2018 7:58 PM

To: nyshcr.sm.nyscdbg.dr.er &lt;nyscdbg\_dr\_er@nyshcr.org&gt;;

*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

I am absolutely against the planned changes to our state park. It is a beautiful green space right now. We have wildlife there that would be greatly impacted by the changes that are planned. We now have bird watcher groups viewing some rare species on occasion. We also have bats there which are beneficial to our environment. There is nothing to gain for the neighboring community by removing two thousand trees. Its a crazy plan. The army corps of engineers does not agree with changes. We need natural greenspace not another paved over amusement park.

I hope you will not go ahead with this.  
Marjorie Stein



## United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road  
Cortland, New York 13045



November 2, 2018

Matthew Accardi  
Bureau of Environmental Review and Assessment  
Assistant General Counsel  
Governor's Office of Storm Recovery  
25 Beaver Street, 5th Floor  
New York, NY 10004

Dear Mr. Accardi:

The U.S. Fish and Wildlife Service has reviewed the New York State Governor's Office of Storm Recovery's (GOSR) Environmental Assessment (EA) entitled, "*Hempstead Lake State Park*," dated October 5, 2018, and the accompanying Finding of No Significant Impact (FONSI). The EA was prepared pursuant to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) by the GOSR as a federal representative under the regulations of the U.S. Housing and Urban Development agency.

Our comments are submitted in accordance with provisions of the NEPA (83 Stat. 852; 42 U.S.C. 4321 *et seq.*), the Endangered Species Act (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d), the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 *et seq.*), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*).

The Service's trust resources are natural resources we have been entrusted to protect for the benefit of the American people. Within the Hempstead Lake Park project area, these resources include species listed as threatened or endangered under the ESA, migratory birds, inter-jurisdictional fish, and the habitats used by these species. The Service has jurisdiction over a broad range of fish and wildlife resources. As noted above, the Service's authorities are codified under multiple statutes that address management and conservation of natural resources from many perspectives, including, but not limited to, the effects of land, water, and energy development on fish, wildlife, plants, and their habitats. The types of resources for which the Service is authorized to recommend mitigation also include those that contribute broadly to ecological functions that sustain species. Section 404 of the Clean Water Act (33 CFR 320.4) codifies the significance of wetlands and other waters of the United States as important public resources for their habitat value, among other functions.

## **Project Description**

In June 2013, the United States Department of Housing and Urban Development (HUD) initiated Rebuild by Design (RBD), a competition to respond to Hurricane Sandy's devastation in the northeast region of the United States and promote a design-led approach to proactive planning for long-term resilience and climate change adaptation (Governor's Office of Storm Recovery 2018). In 2014, the HUD announced that the Nassau County Living with the Bay Project was one of the selected projects of which the Hempstead Lake State Park project is a component (Governor's Office of Storm Recovery 2018).

The Hempstead Lake State Park project consists of four (4) components intended to improve stormwater management, enhance natural ecosystems, provide connectivity among diverse populations, enhance safety, and promote education programs at the Park. The Proposed Project components are as follows: "Dams, Gatehouse, and Bridges;" "Northwest and Northeast Ponds;" "Environmental Education and Resiliency Center;" and "Greenways, Gateways, and Waterfront Access."

- The Dams, Gatehouses, and Bridges component would restore the operation of the dams and associated water flow control infrastructure within the Park to improve stormwater management, include dam improvements to meet current regulatory standards, gatehouse repairs, and installation of pedestrian bridges over park waterways.
- The Northwest (NW) and Northeast (NE) Ponds component would involve the installation of floatable catchers and sediment basins at pond inlets, as well as creation of stormwater filtering wetlands and dredging of the ponds to remove debris, improve water quality, and increase impoundment capacity.
- The Environmental Education and Resiliency Center component would comprise construction of a new, two-story, approximately 8,000-square-foot building west of Lakeside Drive. The focus of the Education and Resiliency Center would be on environmental stewardship and climate change adaptation resiliency.
- The Greenways, Trails, Gateways, and Waterfront Access component would comprise expansion and improvement to the existing path system within the park, including connection points to the surrounding neighborhoods, as well as installation of observation areas, piers, and kayak launches along Hempstead Lake.

## **COMMENTS ON THE EA**

### **Endangered Species**

The EA describes the time of year restrictions that would be undertaken to avoid impacts to the northern long-eared bat (*Myotis septentrionalis*; threatened) maternity roosts, due to the presence of suitable maternity habitat. Above and beyond that, section 7(a)(1) of the ESA requires all federal agencies to utilize their authorities, in consultation with the Service, to develop and carry out programs to conserve all species listed under the ESA. Additionally, section 2(c)(1) of the ESA declares that all federal agencies shall utilize their authorities to further the purposes of

ESA. The purpose of the ESA is to protect and recover threatened and endangered species and the ecosystems upon which they depend. To avoid future Project delays, the Service recommends coordination with the Service to fulfill this important conservation mandate. Whenever possible, HUD should adopt a strategy of incorporating the habitat needs of the northern-long eared bat into the design of any alternative considered. In the case of this project, this may include establishing surveys and protocols to forest management which protect trees that meet the criteria for maternity roost habitat and continuing to plan any clearing activities outside the maternity roosting season.

1

The Service is evaluating the little brown bat (*Myotis lucifugus*), tri-colored bat (*Perimyotis subflavus*; New York State Department of Environmental Conservation species of concern), the monarch butterfly (*Danaus plexippus*), and the yellow-banded bumble bee (*Bombus terricola*) to determine if listing under the ESA is warranted. These four species may be present in the Hempstead Lake State Park project area. Species being evaluated for listing do not receive any substantive or procedural protection under the ESA, and the Service has not yet determined if listing of any of these three species is warranted. However, the HUD and the GOSR should be aware that these species are being evaluated for possible listing and may wish to include them in field surveys and/or impact assessments, particularly for projects with long-term planning horizons and/or long operational lives. Despite the current status of these species (*i.e.*, non-listed) each of these species is in decline range-wide for the East Coast.

2

### **Migratory Birds**

We recommend that the EA include information on wintering waterfowl and waterbird use of the individual ponds and how the construction activities and final design and water-level management would impact the distribution and use of the ponds by these species.

3

The EA states that an Operations and Management Plan would be developed to avoid negative impacts of water level management on waterfowl and waterbirds. However, it does not appear that this plan, which would be critical to mitigating impacts to these species, is part of the proposed action. The EA should discuss this and indicate whether this plan will be prepared in conjunction with the Hempstead Lake State Park project and made available for public and agency review.

4

The EA notes that tree cutting would be limited from November 1 - March 31 to avoid impacts to bats and migratory birds. We appreciate this restriction for the benefit of these species. Please note that this time of year restriction does not cover the time of the year that great-horned owls (*Bubo virginianus*) or other raptors nest. We encourage consideration of measures to avoid destruction of active nests of these species during any tree removal or planting activities.

5

The EA also states that waterfowl and waterbird use of the NW and NE ponds may be impacted by increased human disturbance related to reduced buffer distances and increased human activity along trails. The EA states that additional native planting could be used to help offset these impacts by creating a visual buffer, but it is not clear whether or not this will be implemented. We recommend that the HUD and the GOSR clarify this in the EA.

6

## **Fish**

The EA acknowledges that management of water levels in the NW and NE ponds could have negative impacts on spawning fish (and nesting and foraging birds) and proposes the development of an Operations and Management Plan to avoid negative impacts. However, it does not appear that this plan, which would be critical to mitigating impacts to these species, is part of the proposed action. The EA should discuss this and indicate whether this plan will be prepared in conjunction with the Hempstead Lake State Park project and made available for public and agency review. We recommend that the GOSR also evaluate the impacts that sediment dredging and loss of open water habitat may have on fish use at the site.

7

## **Wetlands and Forested Areas**

We encourage the GOSR to provide a clearer accounting of habitat area impacted by the project elements. Currently, the EA includes a mixture of narratives and tables with calculations and tabulations of the area of habitats impacted, and post-construction net habitat areas. A more consistent use of tables and the incorporation of additional maps indicating the location of impacts and mitigation may be helpful for the reader to assess the project. Additionally, there is information, particularly as it pertains to project impacts and mitigation, provided in the table entitled "*Compliance with 24 CFR §§ 58.5 and 58.6 Laws and Authorities*" starting on page 59, that may be more accessible to the reader if it was incorporated into the EA narrative.

8

9

The EA states that approximately 1,203 trees would be removed for wetland enhancement activities at the NW and NE ponds, and that approximately six discontinuous acres of replacement trees would be planted around the two ponds. We recommend that the EA provide more information about the location of these plantings, the anticipated number of trees, and the species of trees that would be planted.

10

The EA indicates that over 2,500 trees will be removed as part of the project construction, mostly in relation to dam work and maintenance. The EA states that the percentage of forested habitat this represents is small relative to what exists throughout the park. Without additional maps or more detailed information regarding the location and distribution of tree removal, it is difficult to assess the habitat value of these trees or how removal may impact plant and wildlife species. We recommend that the EA provide more information about the location, size, and species of trees being removed and provide a description of the plant and wildlife species that would be impacted from the loss of forested habitat around the ponds.

11

In most cases, the EA indicates that mitigation for the loss of trees will be in the form of native flowering plants and shrubs. We recommend that the EA assess the relative value of existing and proposed mitigation habitat to wildlife to ensure that any potential losses are sufficiently offset.

12

The EA includes the construction of an observation pavilion, kayak launch, and education center on the western side of Hempstead Lake, as well as the expansion or creation of new trails. The EA should describe the direct and indirect impacts of these structures on existing plants and wildlife use of these areas and the strategy taken to reduce or minimize habitat fragmentation or loss.

13

The EA proposes that 32,000 cubic yards of upland soil will be excavated to provide clean fill for emergent wetland creation in the NE pond. We recommend that the EA include results of contaminant analyses from excavated soils and the potential impacts of reusing these sediments in wetland creation.

14

Considering that the proposed plan seeks to enhance human use and appreciation of the park and its plants and wildlife, we recommend that the EA develop a monitoring and maintenance plan for the wetland and native grass projects, and for control of invasive species to ensure the long-term success of these proposed activities. Otherwise, this objective may not be met as the public investment in environmental education and infrastructure is lessened in value.

15

The EA acknowledges that there would be an increase in eight acres of impervious surface as a result of the proposed project, and proposes some mitigation of runoff through the use of bioswales or by diverting water through vegetated areas. However, the EA does not address how the increase in impervious surface would change the character of the watershed and or its impacts to habitats, plants, and wildlife. We encourage the GOSR to incorporate this information into the EA.

16

It is not clear in Table 4, *Summary of Changes at Northeast Pond* (page 17), and Table 5, *Summary of Changes of Northwest Pond* (page 19), how the “post-construction proposed area” for each wetland type was calculated. The “post-construction proposed areas” in the tables do not appear to be reflective of the existing areas and changes also provided in the table. We recommend that the EA include additional information as to how these values were derived. If the numbers in the table are incorrect, as the calculations for emergent wetland pre- and post-construction values seem to indicate, we recommend that the GOSR provide updated tables. Additionally, we recommend providing more information about how temporary wetland impacts are factored into this analysis, and how they will be restored.

17

The EA proposes impacts to open-water, scrub-shrub, emergent, and forested wetlands, resulting in a net loss of 1.72 acres of wetlands. Some mitigation is proposed in the form of emergent wetlands, however, no in-kind mitigation is proposed for other wetland types. The proposed mitigation was deemed sufficient as the GOSR’s functional wetland assessment concluded that the project would increase wetland quality and function. The New York Department of Environmental Conservation’s “*Freshwater Wetlands Regulation Guidelines on Compensatory Mitigation*,” notes that “*It is very often necessary to replace more acreage than has been impacted to fully compensate for losses. Larger acreage may be needed as insurance against the uncertainties associated with trying to create a new wetland. Higher replacement ratios may also be needed to compensate for the long time it will take for a mitigation wetland to function at the same level and provide the benefits of the wetland being replaced*” (New York Department of Environmental Conservation 1993). We recommend that the GOSR clarify in the EA how temporal losses in wetland function were evaluated in the wetland functional assessment and in the determination of wetland mitigation acres.

18

The EA indicates that a new wetland trail would be constructed between NW and NE Ponds. We recommend that the trail be positioned to have the least impact on habitat fragmentation in order to reduce the impact on the existing habitat and species use.

19

Thank you for the opportunity to comment on the EA and the FONSI. If you have any questions or require further assistance please have your staff contact Steve Papa or Kerri Dikun of the Long Island Field Office at 631-286-0485, extension 2120.

Sincerely,



David A. Stilwell  
Field Supervisor

#### References

New York State Department of Environmental Conservation. 1993. Freshwater Wetlands Regulation Guidelines on Compensatory Mitigation. Accessible online at: [https://www.dec.ny.gov/docs/wildlife\\_pdf/wetlmit.pdf](https://www.dec.ny.gov/docs/wildlife_pdf/wetlmit.pdf).

New York State Governor's Office of Storm Recovery. 2018. Hempstead Lake State Park, Environmental Assessment. New York, NY. 100 pp.

## Reference #2142824901 question

Valle

David Valle <dalmatian\_94@yahoo.com>

Fri 11/2/2018 10:25 PM

To: nyshcr.sm.nyscdbg.dr.er <nyscdbg\_dr\_er@nyshcr.org>;

*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

Hello, I'm inquiring what the Governor's Office has to say on updates about the HLSP project.

They may be aware there's a still active petition with gaining signatures that it's been refiled for exceeding signatures. I hope this is something that's being taken seriously into the project's consideration.

Look forward to your response,

South Shore Audubon Society Comments on the Hempstead Lake State Park Project  
Environmental Assessment, Public Notice 2142824901

On behalf of the South Shore Audubon Society, thank you for the opportunity to provide comments on the Hempstead Lake State Park Project, Public Notice 2142824901. We are a 501(c)(3) nonprofit organization and a local chapter of the National Audubon Society, and we represent approximately 1300 households in southern Nassau County. The mission of the South Shore Audubon Society is to promote environmental education; conduct research pertaining to local bird populations, wildlife, and habitat; and to preserve and restore our environment, through responsible activism, for the benefit of people and wildlife.

The Environmental Assessment (EA) of the Hempstead Lake State Park (HLSP) Project, and the response from the Governor's Office of Storm Recovery (GOSR) to questions from the Citizens Advisory Committee (CAC), describe the removal of 2550-2850 trees, a loss of wetlands, and fragmentation by trails. These plans do not support the finding of "No Significant Impact." The removal of trees from the dams, according to a report by the US Army Corps of Engineers, will leave roots to decompose, potentially compromising the integrity of the dams and leading to catastrophic flooding downriver. In addition, the tree removal will include healthy stands of native oak and cherry trees, and can take place in March, when HLSP is a hot spot for migratory birds and breeding grounds for Great Horned Owls.

1  
2

The HLSP project, by its magnitude, meets the criteria of the State Environmental Quality Review Act (SEQRA) to require a thorough Environmental Impact Statement (EIS). In the document Hempstead Lake SEQRA part 2, GOSR admits to "Moderate to Large Impact" in construction where depth to water table is less than 3 feet; in dredging more than 100 cubic yards of material from a wetlands or water body (2500 cubic yards); in construction within or adjoining a freshwater or tidal wetland; in creating turbidity in a water body; in affecting water quality of any water bodies within or downstream of the site; in modification of existing drainage patterns; in changing floodwater flows that contribute to flooding; and in repairing dams. Regarding birds, GOSR admits to Moderate to Large Impact in "substantial interference on nesting/breeding, foraging or overwintering habitat for the predominant species that occupy the project site."

According to Audubon's Important Bird Area (IBA) website, "Hempstead Lake is one of the most important sites on Long Island for wintering waterfowl, with buildups beginning in late August and peaking in the late fall and winter. At peak times, the numbers run into the many thousands with the following species present: Gadwall, American Wigeon, American Black Duck, Mallard, Northern Shoveler, Northern Pintail, Green-winged Teal, Canvasback, Lesser Scaup, Common Merganser, Hooded Merganser, and Ruddy Duck. Of these, the most numerous are the American Black Duck, Mallard, and Lesser Scaup. While the American Black Ducks and Mallards move in and out all day, the Lesser Scaup (which in some years have totaled several thousand) stay on the lake continuously. This is also one of the most important sites for migrant land birds on Long Island. A normal day reveals 50-75 species of birds during a leisurely morning stroll. In addition, approximately 17 species of shorebirds have been observed foraging at the north end of the lake when water levels go down. Large numbers of Common Terns and some Forster's Terns use the area as a feeding and bathing site in late summer."

Federal floodplain and wetlands laws (Executive Orders 11988 and 11990) require that practical alternatives be considered in order to avoid adverse impacts. In Appendix M of the HLSP EA, GOSR considered only a proposal with significant alterations and a net loss of 1.72 acres of wetlands, and a no-action alternative, in their required 8-step process of wetlands analysis. As we have repeatedly commented in letters to GOSR, the North Ponds currently provide valuable and rare wetland habitat of shallow open water and mudflats that are used by an abundance and diversity of shorebirds, wading birds, and dabbling ducks. Dredging and increasing water capacity may flood the habitat and make it unusable by these at-risk species. There is no guarantee that the new wetlands will provide suitable habitat. The expansion of trails and creation of viewing points around the North Ponds is gratuitous destruction of habitat and removal of native vegetation that provides crucial food and shelter for birds, including Bald Eagles and Great Horned Owls. The North Ponds area is one of the last wild areas of Nassau County, and as much as possible, should be preserved as such. Further fragmenting the woodlands and wetlands with trails and disturbing the area with recreational traffic defeats the purpose of increasing access to nature by removing nature from the equation.

GOSR's response, in a letter to the CAC in October 2018, inadequately states that the floatables collector will improve water quality. First, floatables collectors do not address the issue of flooding and disturbing valuable habitat. Second, the alternative of locating the floatables collectors upstream where floatables enter the watershed is not considered. GOSR cites bureaucracy as the reason, but it is insanity to spend taxpayers' money to clean up what should be prevented at its source; moreover, floatables collectors will not catch microplastics and other toxins that enter the watershed with the floatables. And in storm events, large volumes of water will overtop the collectors, the floatables with them. We need a thorough EIS to assess alternative solutions that minimize adverse impacts.

Regarding cleanup of contamination, GOSR is short on details. From documents provided by the NYS Department of Environmental Conservation, we know that the more thorough the cleanup, the greater the cost, but the greater the environmental benefit. The documents state that the most financially feasible cleanup is a limited one, yet GOSR has allocated money for a multi-million dollar Education Center and a kayak launch that do nothing to improve water quality or mitigate flooding. GOSR has not considered repurposing an existing building to serve as an Education Center, which would have the benefit of leaving no additional footprint. In total, additional trails, parking, and the Education Center will result in 8 acres of impervious material.

One third (\$35 million) of the funding for the Living with the Bay project to mitigate flooding along the Mill River is being spent on HLSP, yet HLSP lies outside the flood zone. Of course, what happens at Hempstead Lake affects the entire Mill River, but then GOSR claims that HLSP is a functionally independent project and admits to segmentation of HLSP from LWTB. Segmentation is prohibited by SEQRA. We need a thorough EIS to assess the cumulative impacts of HLSP on LWTB.

We hope that GOSR will take our comments and those of the CAC for LWTB into consideration. Failure to prepare an EIS will result in backlash from the community and a loss of confidence in the Governor's Office. The public perception will be that GOSR does not care about preserving our environment for the benefit of wildlife and people. South Shore Audubon

3

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5

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Society would welcome the opportunity to work further with GOSR to protect our flagship birding site, one of the last and largest areas of open space in Nassau County, and a NY State IBA.

Thank you for considering our comments.

Brien Weiner, Vice-President and Conservation Co-Chair, South Shore Audubon Society

Kathryn Heintz, Executive Director, New York City Audubon

# Public Notice 2142824901: South Shore Audubon Society Comments

Weiner

Brien Weiner <brien.weiner@gmail.com>

Mon 10/29/2018 5:45 PM

To: nyshcr.sm.nyscdbg.dr.er <nyscdbg\_dr\_er@nyshcr.org>;

 1 attachments (16 KB)

HLSP EA and Neg Dec Comments.docx;

*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

Dear Sir or Madam,

Attached are comments by the South Shore Audubon Society, also signed by New York City Audubon, on the Hempstead Lake State Park Project. Thank you for considering our comments.

Sincerely,

Brien Weiner  
Vice-President  
Conservation Co-Chair  
South Shore Audubon Society

## Untitled

Wood

D Wood &lt;dwoodbury321@gmail.com&gt;

Sun 10/28/2018 4:24 PM

To: nyshcr.sm.nyscdbg.dr.er &lt;nyscdbg\_dr\_er@nyshcr.org&gt;;

*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

I read the news regarding the project to remove trees in Hempstead Lake State Park and as a longtime Rockville Centre resident, I am seeking more information.

- 1: "The project seeks to restore the 521-acre park's northwest and northeast ponds and to create new areas for treating storm-water runoff and collecting pollutants." Q: Is there a concern currently with storm-water runoff?
  2. "Other renovations include improvements to Hempstead Lake's dam" Q: Is there a concern currently with said dam?
  3. Regarding the 2500 tree removal "GOSR published an environmental assessment document on Oct. 5 that determined that the project would have no significant impact." Q: Please describe the insignificance. To CO2 levels? To animal and plant life? What is the total number of trees that will remain?
  4. Was a full environmental impact study completed? If not, why not?
- The audition society, Nassau Hiking and Outdoor Club and Senator Kaminsky all expressed concerns. I live within .2 miles of the park and my family enjoy it weekly. We do not wish to displace birds, raccoons, and other wildlife that is so close by. We do not have severe flooding anywhere near the park. Is there no way to secure the dam without sacrificing 2500 trees?

Regards,  
Denise Woodbury  
54 Royal Court  
Rockville Centre NY 11570